

BIRKENHEAD PRIORY
AND
THE MERSEY FERRY

R. STEWART-BROWN

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BIRKENHEAD PRIORY AND
THE MERSEY FERRY

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BIRKENHEAD PRIORY
WESTERN DOORWAY, GUEST HALL

BIRKENHEAD PRIORY
AND
THE MERSEY FERRY

BY
R. STEWART-BROWN M.A., F.S.A.
AND
A CHAPTER ON THE MONASTIC BUILDINGS
BY
HAROLD BRAKSPEAR F.S.A., A.R.I.B.A.
WITH
TWENTY-ONE ILLUSTRATIONS IN PHOTOGRAVURE
AND TWO PLANS

PRINTED FOR
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PREFACE

THIS book is the outcome of a suggestion made to me, whilst crossing the river Mersey by the Ferry, that my investigation of some aspect of local history should be recorded, in suitable form, for publication and presentation by The State Assurance Company Limited on the occasion of the visit of the British Association to Liverpool in 1923, and by way of supplement to the local information usually given in the official Handbook. The proposal appealed to me although I regret that its accomplishment was found to be impracticable within the remaining interval of time. It is under these circumstances that the results of my work are placed at the disposal of the Board of Directors and such of their friends as are interested in local history. It is hoped, notwithstanding that the immediate object was not attained, that what has been put together within these pages may be found acceptable.

My original idea of the Mersey Ferry, as a subject worth working at, had for its basis a collection of notes made during the last twenty years. I found, however, that to compile a satisfactory account, very considerable investigation was necessary into the history of Birkenhead Priory, by which the Woodside ferry was owned. I did not anticipate giving more than a sketch of the history of the priory itself, but while, in the main, the outlines of the priory history have been correctly stated already, the available facts are scattered in books not ordinarily accessible, and I found that there was

abundant additional material from which a much fuller, if still incomplete, account of it might be given. In this way the work was gradually extended until matter had collected which seemed to justify me in combining an account of both the priory and the ferry in one book.

The history of the ferry between Liverpool and Birkenhead (dealt with in Part II) has never been carefully examined before. It will be found to be the history of two separate ferries, the one from Liverpool to Birkenhead and the other from Birkenhead to Liverpool. In Part I an attempt has been made to bring together everything illustrating the external history of the priory that could be extracted from the largely untouched Cheshire rolls and documents and from other material in the Public Record Office and elsewhere. It is not suggested that a history of the priory has emerged, or that any important contribution to English monastic history generally has been made. The monastery was small and obscure and little of importance from that point of view has come to light. Bricks, however, could not be made without straw. I believe that there is not much available information about the priory which has not been garnered here, even to the extent of the inclusion of a little "chaff." Indeed I am conscious of having chronicled some "small beer," but this has been done intentionally and not with a mistaken sense of values. Facts of all kinds are the bones of history, though the use made of them may be open to criticism, and their relative importance varies greatly ; and I consider as many facts as possible should be included in a book of this kind, together with the means of verification.

Having only a passing acquaintance with mediaeval architecture I have been fortunate enough

to get Mr. Harold Brakspear F.S.A., A.R.I.B.A., to contribute a chapter upon the remains of the monastic buildings. Mr. Brakspear's wide experience in the investigation of the architectural history of religious houses will make his contribution of high value and authority, and I think it will be found that he has cleared up a number of questions upon which conflicting and doubtful opinions have been expressed.

It is no part of this book to trace out the short modern history of Birkenhead as a town and seaport. Though its mediaeval history is that of the priory, there is little of antiquity about its appearance. If, however, the traveller arriving in search of relics of the past at Liverpool (where he will find none) can be induced, instead of passing rapidly away to Chester, to seek out the Norman Chapter House and the later ruins of this once beautiful priory, standing among the dingy dockyards of Birkenhead, he will be both rewarded and surprised.

The task of arranging in anything like a readable form so much detailed material, not seldom of dry and uninviting aspect, has been considerable and has given plenty of opportunities for failure and error, and so, like Henry Chettle in *Kind Heart's Dream* (1592), I must plead that "To come into print is not to seek praise, but to crave pardon."

My thanks are due to Mr. William Fergusson Irvine M.A., F.S.A., who has supplied me with a number of transcripts and notes, and to Mr. F. C. Beazley F.S.A., for the loan of documents. I have had the advantage of Mr. John Brownbill's skilful assistance in the collection and transcription of much of the earlier historical material.

For ready permission to reproduce several of the old views of the Priory I have to acknowledge my

indebtedness to the Committee of the Birkenhead Corporation Art Gallery and Mr. John Shepherd the Curator. The modern photographs for the book have been taken by Mr. Stewart Bale of Liverpool, and Messrs. Cooper & Ward of Birkenhead photographed the engravings and drawings.

I wish also to thank the Directors of The State Assurance Company for their encouragement of the study of local history and for the patience with which they have awaited the completion of this book in such time as I could give to it from other occupations.

R. STEWART-BROWN.

Bryn-y-Grôg,
Marchwiell,
Denbighshire.
1st January 1925.

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PART I

BIRKENHEAD PRIORY

CHAPTER I

THE FOUNDATION

THE circumstances under which the Benedictine Priory of Birkenhead, dedicated in honour of St. James the Great, was founded, are unknown, for the early and indeed practically all the priory muniments are missing, and there is now no direct record of its first establishment. The founder is usually supposed to have been the third Hamo Mascy of Dunham in Bucklow Hundred, one of the "barons" of the earl of Chester, and the date about 1150. Sir Peter Leycester, unfortunately without giving his authority, definitely ascribes the foundation to this Hamo, but is more cautious about the date, which he conjectured was during the reign of Henry II (1154-1189), as he had come across the name of prior Oliver in a document which he judged to be of the time of king John.¹ We shall find that there are other references clearly attesting the existence of the priory as, so to speak, a going concern in the reign of that king. Upon the evidence afforded by the Norman work in the Chapter House we are inclined to place the foundation in the first half of the reign of Henry II.

¹ *Post* p. 85.

Inferential evidence of a Mascy foundation is revealed in several ways. There is, for instance, the Domesday ownership by the first Hamo, under the earl of Chester, of a great fief in the county which included not only Dunham and Bowdon, with Puddington in Wirral, but also seven hides of land in the great manor of Eastham which, it seems probable, then included Bidston, Claughton, Birkenhead, Moreton and Saughall Massie, places not mentioned in Domesday, but undoubtedly Mascy holdings, in all of which the priory acquired either temporal or spiritual endowments. Then there are subsequent benefactions at Bowdon in the 13th century by the grandson of Hamo the third, in memory of his predecessors, the litigation concerning the church at Bowdon, which connects the priory with the supposed founder, and the appearance, on the heraldic bearings used by the priors, of the Mascy coat of arms. There is no reason to doubt that the foundation was by a member of the Dunham family.

At the motives which inspired the establishment of this priory we can only guess, in the absence of the foundation charter wherein they were probably set forth. William of Malmesbury said that there was no wealthy man in England but thought shame of himself if he had not contributed to the building of a monastery. But perhaps the founder's motives did not differ largely from the pious reflections stated at great length by another Cheshire "baron," Hugh Malbank, as the reasons instigating his foundation, not many years before, of the abbey of Combermere. The promise of reward hereafter for the doer of good, the fear of everlasting fire for the wicked, the misery

and shortness of human life, a desire to cast aside the vanities of this world for better things, the wish to help those who had given themselves to the Divine service, and finally, the hope of certain redemption for the souls of the founder, his family and his friends—perhaps to some such motives, characteristic of mediæval religious thought, we may ascribe the foundation of Birkenhead Priory.

There may also have been a practical reason for placing a religious house at Birkenhead and in particular a Benedictine one. The care of roads, bridges and ferries was considered, in those days, a pious and meritorious duty, of true charity to the unfortunate wayfarer, pilgrim or traveller. Abroad the operations of the Order of bridge-building friars extended to the conduct of ferries; similarly in this country not only bridges but ferries and dangerous fords were committed to the charge and care of religious houses. Thus the existence of an important river ferry at this north-eastern corner of Wirral may have been a contributory reason, even if it was not the direct cause, for the establishment of the priory at this place.¹ Hospitality was one of the features of the Order of Black Monks, whose founder had enjoined them to receive the traveller as they would Christ Himself.

The rule of St. Benedict was based upon practical and common-sense principles. The monks, though they were not of the world, lived in the world, and their rulers, while insisting upon the strict practice of religious exercises and ideals, advocated and cultivated a close contact with their fellow men. Their houses were not placed in wild or solitary spots, remote from humanizing

¹ *Post* p. 137

influences, but in situations where a tranquil and religious life could be led, not in complete retirement from the world, but in association with the surrounding lay population in the development of the natural resources of the locality and the establishment of agricultural settlements. The Black Monks were an "out of doors" community; in their relations with the tenants and serfs on their estates they compared favourably with other manorial lords, and in their co-operative methods of working anticipated many of the agricultural ideas of modern days.

Thus Birkenhead was, we may suppose, a very suitable location for a Benedictine house. Sufficiently quiet in itself for a religious life, there was, in the local endowment of lands which accompanied its foundation, scope for enough agricultural enterprise for self-maintenance. The coming and going to and from the ferry of men of all kinds, from many parts, must not only have provided the monks with ample opportunity to practice their duties of hospitality, but kept them in touch with those developments of the arts and crafts and of literature, which were fostered and encouraged as part of their daily life. Well informed as the monks at Birkenhead must have been by the tales of travellers and soldiers, on the martial events of the thirteenth and fourteenth centuries, it is to be regretted that, so far as we know, no scribe arose within the priory to chronicle those stirring times.

At the assumed date of the establishment of Birkenhead, the abbey of Chester was the only monastery in the county observing the common rule of St. Benedict. (In Lancashire there was no such independent house until the foundation

of Upholland priory in 1319, the earlier Benedictine priory at Penwortham being a dependent cell to Evesham). Of the other existing local monasteries, Combermere, Poulton and Basingwerk were Cistercian houses and the religious at Runcorn and Norton were Augustinian canons. The Cistercian abbey of Stanlow was a later foundation, and Vale Royal, of the same Order, was not built until a hundred years afterwards.

The Priory of St. James at Birkenhead, of Black Monks, is mentioned among the religious houses of Cheshire in the list at the end of the *Mappa Mundi* of Gervase of Canterbury,¹ thought to have been compiled about 1200. No inference for the date of foundation of the Priory can be drawn from this list, as, although it includes Norton Priory, removed thence from Runcorn about 1133-5, it does not embrace Combermere Abbey, founded before 1130. The mention of Dieulacres as a Cheshire house shows that the list was compiled or revised after the removal of the monks at Poulton to Staffordshire about 1218-1220. The list does not include Stanlow, founded in 1178. No other references to the Priory in mediæval chronicles have been noticed. Lucian, the monk of Chester Abbey, whose book, written about 1195, is the earliest account of Chester, mentions in his incidental references to the religious houses outside the city, only three or perhaps four, all of the Cistercian order, Combermere, Poulton, Basingwerk and Stanlow, and he takes no notice of Birkenhead. This is disappointing, as Lucian was a Benedictine, but it need not surprise us as his book is devoted to the praise of Chester. The monasteries he mentions are only introduced

¹ *Chronicles and Memorials (Rolls Series)* 73, vol. ii, 437.

as the arms of an imaginary cross of which Chester is the centre.¹

We really know next to nothing about the twelfth-century conditions of Wirral, that strip of Cheshire between the Mersey and the Dee, but we may safely say that the situation for the new Priory was a well-chosen one, which, at the date of its erection, and indeed, until the 19th century, must have been of great natural beauty, though the modern surroundings of the Priory ruins and the almost complete alteration of the old frontage of the river Mersey, make this difficult to realise. The name Birkenhead, the last syllable of which in early forms often appears as "heved,"² seems to be a compound of "birch" and the Scandinavian or Old English word "heafod" (headland or head), and probably means "the headland of birch trees." This headland, surrounded on three sides by a river abounding in fish, was no doubt well-wooded with birch and oak, much of the latter remaining until the middle of last century. The name "Woodside" still speaks for itself, but the only part of the Mersey bank which now retains some similar features is the rocky foreshore covered with trees just below Eastham. The northern boundary of the monks' possessions was Wallasey Pool, then a great arm of the river running far inland, the open entrance to which was nearly a mile across from Seacombe. On the east the Mersey rose and fell against the rocks in front of which are the modern shipyards and docks. On the south, where Abbey Street represents

¹ *Record Society of Lancashire and Cheshire*, vol. lxiv.

² The form "Birkenhened" may have been caused by mis-reading the "v," written as "u," in the last syllable, for "n."

approximately the old line of the river bank, the outlook was over the wide sandy expanse of Birket (Tranmere) Pool, then of far greater extent but much curtailed in the last hundred years, particularly in the later period. The "New" Chester Road through Lower Tranmere may be taken as representing the old strand line of the Pool as far as Green Lane Station, about which point the Pool ran inland to the west for nearly a mile, and at high tide most of the land now occupied by the gas works, railway sidings, the "Central" and "Town" stations, was under water. The old approach to the Priory and ferry from Chester, and until the end of the 18th century, must have been above the strand along what is now known as the "Old" Chester Road in Tranmere, and round or across the head of the Pool by Whetstone Lane. The Pool could be forded until about a hundred years ago, at low tides in the summer, by stepping-stones approximately on the line of the "New" Chester Road between Green Lane and Abbey Street, and probably this method of approaching the Priory was a very ancient one. It has led to the suggestion¹ that the vill of "Somreford" (Summerford) mentioned in Domesday under Wirral Hundred was the ancient name for Lower Tranmere. After passing round the west end of the Pool, the old high road seems to have turned east to the Priory and ran, possibly, on the line of Ivy Street, down to the riverside, and then went north to the Woodside Ferry. It was not until the spring of 1790 that an embankment to carry the new turnpike road was made across the mouth of Tranmere Pool to

¹ By W. H. Black, and not accepted by Prof. Tait in his edition of the Cheshire Domesday (Cheth. Soc.)

a height which rendered it passable for general traffic above the highest spring tides.

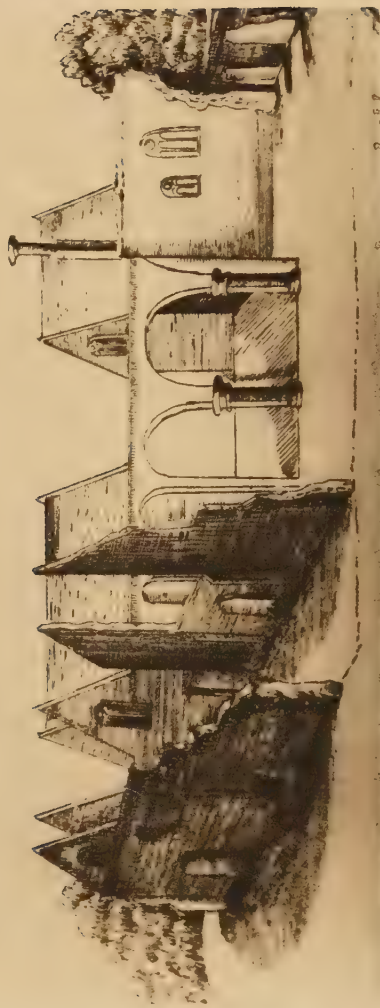
The limits of the prior's foreshore seem to have extended from the boundary of Bidston on the south side of Wallasey Pool (near the Half-penny bridge), round the headland to "Gonell's Pool," a creek near the head (now far inland) of Birket or Tranmere Pool, which marked the boundary between the priory lands and the manor of Tranmere. Within these limits the priors enjoyed deodands, flotsam, jetsam, lagan, wreck, royal fish, customary fishing, keeltoll, and anchorage. These rights and liberties were recognised by the Admiral's Court in 1528, and by the Exchequer Court of Chester in 1587.¹ They were also set up by Ralph Worsley in his litigation about 1552 with the owner of Tranmere.²

Birkenhead, as a defined area, seems to have had no existence, and was part of Claughton until it became necessary, perhaps in connection with the forest laws, to set up boundaries to distinguish the demesne lands immediately around the priory from its manor of Claughton.

Upon this beautiful headland (very different but not many miles distant from the bleak and desolate site upon the same river bank chosen for the abbey of Stanlow of the more austere Cistercian rule) was erected a small religious house, ranked, we may suppose by the founder, as a priory. We shall hear about the monastic buildings in a later chapter. But little remains, though enough to make us sure that their builders

¹ Harl. MS. 2101. f. 48 (208), in notes by Thomas Gamul on the rights of the priory. The litigation in 1587 was between Thos. Powell and Thos. Tuchet and Richard Holme (of Tranmere).

² *Post* p. 146.



BIRKENHEAD PRIORY: DANIEL KING'S VIEW 1656

aimed to make them "instinct with speech, a tree of life planted in paradise, sending its roots deep down into the crypt ; rising with stems in pillar and shaft ; branching out into boughs over the vaulting ; blossoming in diaper and mural flora ; breaking out into foliage, flower and fruit on corbel, capital and boss."

Leland, writing not many years after its dissolution, tells us Birkenhead was a foundation for sixteen monks, and, so far as we may judge from the recovered plan, of the size of the monastic buildings, this can be accepted. The number may be compared with the forty monks at Chester in the 13th century and the eighteen at Vale Royal in 1509. But in another statement that the priory was a cell to Chester abbey, Leland was certainly mistaken, as there is no trace of any such dependence upon that greater and older foundation. It is true that the heads of English Benedictine monasteries attached to cathedral churches were usually styled priors, and not abbots, but all the Benedictine priories were not cells, and the silence of the records of the abbey of Chester as to any dependence, and the general probabilities, may be thought entirely to negative Leland's supposition. It is possible and likely that the abbey of Chester supplied the original monks to Birkenhead, and though this of itself did not necessarily involve future dependence, the traditional memory of such a connection may have been the foundation of Leland's assertion. If we ask why Birkenhead was a priory and never an abbey, we may perhaps point to the influence of the abbot of Chester against the erection of another abbey so near to his own ; and also to the idea, which is known to have existed in mediæval

days, that to seek for the royal patronage involved in an application for abbatial rank was a poor compliment, even an insult, to the founder's family.

One of the few early documents of this house which we have relates to the election of its head. Usually on the death of a prior and before his successor could be appointed, it was necessary that the lay patron, the representative of the founder, should be consulted and his consent obtained both to proceed with the election and to the final appointment. Subject to this there were three methods in which a religious house could select its new Superior, namely, by individual voting by the monks; by the choice of a few, or only one, of them; and thirdly, by acclamation or unanimous selection. The last method was the most uncommon but the religious at Birkenhead appear to have obtained the privilege of electing their own prior if they could all agree about it. This right was formally granted to them by Hamo de Mascy and confirmed by Pope Alexander. No papal bull survives to fix the exact date but the privilege seems more likely to have been the gift of the founder than of his son, and may be ascribed rather to the time of Alexander III (1159-1181) than to Alexander IV (1254-1261)¹. That in later years the so-called 'advowson' of Birkenhead should often be mentioned as a possession of the Mascy family is not inconsistent with the privilege mentioned above which was only as to the method of election. It would still be necessary to consult the patron even if this

¹ Dugdale, *Mon.*, in printing this grant, heads it "*Carta ejusdem Hamonis*" to indicate it was by the Hamo who granted the advowson of Bowdon in 1278, but he gives no reason for doing so.

were only a formality, or when the brethren were not unanimous about their new Superior. The founder's family would also retain the right on the death of a prior to send a representative, perhaps nominated by the bishop, to live in the priory and look after their interests in the property until a successor was appointed. The income during the interval would no doubt still be devoted to the religious objects of the house but the representative of the founder would temporarily administer it. The papal confirmation of the procedure of election at Birkenhead does not seem to have dispensed with the usual approval of the diocesan, and the bishop of Coventry and Lichfield seems to have had the last word by way of confirmation. But it is evident that things did not always go smoothly. For instance in 1339 James of Neston, duly elected prior by his fellow monks, resigned at once for reasons which do not appear and difficulties arose over his successor. The sub-prior and convent, wishing, as they said, to avoid the costly consequences of a vacancy and the discussions and delay involved in complicated forms of election, humbly submitted themselves to the bishop of Coventry and Lichfield and asked him to make the appointment himself without delay. It is true that they suggested the name of the prior ultimately appointed as one fully qualified from every point of view, but the bishop's choice was, so far as can be seen in this case, entirely his own.¹

While the prior of Birkenhead no doubt wielded considerable local influence, his im-

¹ Lichfield Act Book No. 2 fo. 113 sqq. The documents are (1) the submission of the Priory, attested in full chapter, to the Bishop's appointment of a prior, (2) The Bishop's appointment, (3) his letter to the new prior, (4) The usual mandate to the archdeacon's official to instal.

portance has perhaps been exaggerated by the suggestion that he ranked as one of the so-called "barons" of the later Norman earls of Chester or at any rate sat on their councils. This view was probably based on the occurrence of the prior's name with those of other important persons present at the meetings of the "county," or as witness to the charters and other documents which were frequently attested there. Apart from the fact that the names of any ecclesiastics who were so present were given an early place in such records out of courtesy, the status, so far as we know, of the prior of Birkenhead up to the time (1237) of the annexation of Cheshire to the Crown was nothing like that of a "baron," nor was he, like the abbot of Chester, found in possession and exercise of some of those extensive jurisdictional privileges which it is now thought were the distinguishing characteristic of baronial rank. There is no record that the prior of Birkenhead was entitled to any such rights, in fact when in the reign of Edward III an enquiry was held into his privileges, he claimed only the usual manorial courts, and even the minor franchise of enforcing the assize of bread and beer amongst his tenants was disclaimed. Some exemptions and privileges were, indeed, granted to the prior, such as freedom from attendance at the Hundred Court of Wirral, but he was never admitted into the ranks of the select band of "barons," whose immunities from the interference of the earl's officials date back to a much earlier period than the foundation of this priory.

CHAPTER II

GENERAL HISTORICAL NOTES

IT may be said at once that it is not possible to compile anything in any degree resembling a history of this small and obscure priory. So far as is known it produced no *Annals*, *Chronicle* or *Gesta*, nor are there now any monastic rolls or accounts to throw light upon the internal workings of the house. No register or chartulary of its deeds and documents has survived. We do not find it often mentioned in such public records as we have, and there are few for the palatine county before the middle of the 13th century. The monastery was of private, not regal, foundation, and so there are not such records as exist, for instance, in the case of the abbey of Vale Royal. None of the priors rose to high degree in Church or State. The general results of research are thus somewhat meagre and disappointing and we have to be satisfied for the most part with occasional glimpses of the monks on the few occasions when they came into touch with public life. These are mainly in connection with their not extensive property and in records of litigation in which the priors do not seem to have engaged very often.

This lack of material for illustrating the history of the priory, while it is to be regretted, is perhaps really to be placed to its credit. When a religious house hardly figures at all, either creditably or otherwise, in the kinds of official records, chiefly legal, which are our main historical

sources, and when its superiors are not found taking much part in public, political or state affairs, it is probably not unsafe to infer that proper attention was being given within its walls to the promotion of the ideals and interests of the Rule. Moreover if a careful search for facts relating to such a house extending over many hundreds of years, brings up to the surface, as in this case, so few records in any degree to its discredit, a due sense of historical proportion will allow them to be used for the purposes of its history without interpreting them unfairly. And, while we may deplore this paucity for its general history, the somewhat more abundant local details, which in this case are at hand, often reflect the activities of the monks in forwarding those amicable external relations with their tenants and neighbours which were a characteristic object of the Benedictine rule.

From Randle, earl of Chester, no doubt the third of that name, the priory obtained privileges which relieved the house and its tenants of some onerous obligations. One was exemption from the liability which formerly lay upon the freemen of Wirral to lodge and feed, in turn, the serjeants and bedells of the peace whilst on their rounds attending to law and order. But the priory still remained under the obligation to billet the itinerant serjeants of the Master Forester of Wirral until the Hundred was disafforested by the Black Prince. In this respect it was less favoured than the abbot of Chester whose Wirral manors of Eastham, Bromborough, Irby and Sutton received complete exemption. More will be said later about the forest jurisdiction. Another charter from earl Randle gave to the prior, his monks and their freemen, exemption from attendance

at the Hundred Court of Wirral and freed them from a customary fee to the sheriff of 8d. With compulsory attendances at the county court held every six weeks or so, at the hundred courts, the occasional forest eyres and the manorial courts, the freemen of Wirral were continually occupied going to and fro, and an exemption such as this was some relief, as it meant that the prior and his freemen need not put in an appearance at the court held for the Hundred, usually at Backford but sometimes at Willaston. Their duties there would have been to represent the priory and its manor of Claughton, to report and explain local breaches of the law, to attest the service of summonses and to serve on the juries of those days in inquiries of all kinds affecting the priory and the adjacent townships. The bulk of the county freeholders remained saddled with these constant journeyings from court to court until the sixteenth century, the burden of "suit" as it was called, constituting, in Cheshire at any rate, a much more real obligation than has generally been supposed. To-day, complaint is often made at the receipt of one jury summons a year, but in mediæval times these duties must have been a very serious hardship. Even in the time of Henry VIII when the criminal jurisdiction of the Hundred courts in Cheshire had been superseded by the justices, "the gentlemen freeholders and suitors bounden of auncient custume and duetie to appere and geve their attendaunce to serve the King" had to go to eight or nine county courts a year at Chester and four quarter sessions and other privy sessions and courts, "by meane whereof the said appearance and attendaunce cometh so often tymes and so thick together that

at many tymes they cannot departe from one courte and attend their busynes scarcely one day or some tyme lesse but they must againe ride to serve th' other court, which is too painefull, chargeable, intollerable and importune for any man to sustaine and abide."¹

From king John the priory sought and obtained in 1201 and the following year, writs of "protection," simple but highly-valued documents whereby the king notified all his subjects that he had taken the monks of Birkenhead and all their possessions under his wing, and that (temporarily) they must not be molested or injured in any way.² Short immunities of this kind for periods of a year or so were usually granted in return for subsidies and other taxations, voluntary only in theory. The priory, amongst other houses of Benedictines, had later protections in 1294 and 1297 for its men and property, the former being in return for a grant from its revenues to the king towards the tenth of benefices for the Holy Land.³ In the latter year also, restitution of the priory's lay estates was ordered,⁴ perhaps upon the appointment of a prior or after temporary seizure on some refusal to make an expected contribution.

The creation of the borough of Liverpool in 1207 must gradually have given the monks an official place of public sale for the produce of their lands much nearer and more convenient than Chester, which long remained the nearest available market town on the Cheshire side for their corn, butter, eggs and cheese. The Liverpool

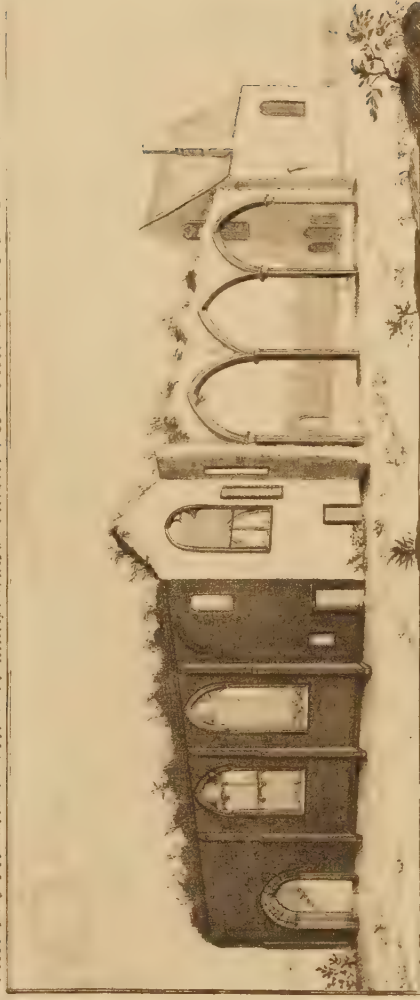
¹ Statute 32 Hen. VIII. c. 43.

² Charter Roll 2 John m. 12 d., Pat. Roll 3 John m. 2.

³ Patent Roll.

⁴ *Cal. Chan. Rolls* (Supp.) 53.

THE SOUTH WEST VIEW OF BIRKENHEAD PRIORY, IN THE COUNTY OF CHESTER.



BIRKENHEAD PRIORY: BUCKS' VIEW 1727

market (which must have been a consequence of the grant of 1207) would become the local centre of supply, and from that time onwards the monks would be regular attendants at the weekly market on Saturday and probably also at the fair. As the Liverpool burgesses, in contrast to "foreigners," held their market stalls free from dues or tolls, the priory would soon see the advantage of acquiring a "burgage" site in the town, and we find that it did so either by purchase or by gift, and was holding it in 1346 and probably much earlier. Upon this site the monks established a granary or warehouse in Water Street, of which more will be said later.

About 1205 we find mention of the prior acting, with the abbots of Chester and Stanlow, as papal delegates, in a compromise relating to the interest of the priory of Lancaster in the church of Childwall.¹ At a later date (1317) the prior acted as a mandatory of the Pope on the grant of a canonry at St. John's, Chester, with reservation of a prebend, given to Richard de Cestria, canon of York and rector of Campedon.²

The annexation of the county palatine in 1237 to the Crown, upon the death of the last Norman earl of Chester, was accomplished smoothly and without much friction, and as the local religious houses were in no way affected by it or by the gift of the county in 1254 by Henry III to Prince Edward, his son, we hear little of Birkenhead for many years.

The priory was included in a royal letter of 5th April 1242, addressed to the abbots and priors of the Cistercian, Premonstratensian and

¹ *V. C. H. Lancs.* iii. 104.

² *Cal. Papal Reg.* ii. 160.

Black Orders in the county. The king was sending to them Simon, late dean of Chester, with a clerk of the justice, requesting them to supply money and horses for drawing the carts used in the Welsh wars.¹

King Edward I paid two visits at least to the priory, both being during his conquest of Wales. The first was in 1275, when he came up to Chester expecting in vain to receive the homage of Llewelyn of Gwynedd. We know little of this visit, beyond that on September 7th, 9th and 10th he was at the priory and there issued several official documents.² Only two months later the priory, with the other religious houses of the county, was asked by the king to join in the gift of a fifteenth of moveable goods which Parliament had granted in aid of the royal projects.³

For the next royal visit in 1277, there is more information. A great Welsh campaign had been decided upon, and when, in July, the king came north from Worcester, Llewelyn had been driven into North Wales by the marcher forces and the earl of Lincoln, constable of Chester. Followed by his feudal levies the king proceeded slowly and steadily with his plans to force the ultimate surrender of the Welsh. The details of the royal itinerary through Cheshire are of interest and have not been given before. The king, accompanied by queen Eleanor, his household and his "wardrobe," the administrative depart-

¹ Pat. Roll.

² Pat. and Close Rolls, and MS. Itinerary in P.R.O., by Theodore Craib, 1898. This shows the following movements of the King:—Tideswell (Derby) Aug. 20-22, Macclesfield Aug. 24-26, Tarvin 29, Chester Sept. 1, Sutton Sept. 3, Chester Sept. 3, 4, Birkenhead Sept. 7, 9, 10, Chester Sept. 10, 11, Tarvin Sept. 11, 12, Acton Sept. 12, 13, Heighley (Staffs.), Sept. 14.

³ *Parl. Writs* i. 13.

ment which in time of war constituted at once an itinerating treasury and chancery, came into Cheshire from Eccleshall in Staffordshire, where a stay had been made from 10th to 13th July. Three carts, each with three horses, and two carts with eight horses, had been hired to convey the treasury with the money for the wages of the levies and the household and wardrobe paraphernalia from Stafford to Chester. The royal manor of Darnhall at Over (near Vale Royal) was apparently visited on the 14th. The king left there on the 15th for Stapleford, near Tarvin, from whence, on the 16th, Chester was reached. The "wardrobe" seemed to have made the city its headquarters for some time and the money was deposited in the abbey treasury for which a new lock was prudently purchased. The queen soon went to Shotwick castle and was in residence there from 21st July to 15th September. The king received many proffers of military service at Chester on 16th July¹ and visited his camps near Hawarden and Basingwerk between the 21st and 30th July. He arrived at Birkenhead on Saturday the 31st, accompanied by his household retinue and a branch of the chancery side of the "wardrobe," detached to deal with some important business to be transacted at Birkenhead. There the next five days (1st—5th August) were passed. The king then spent the night of the 6th at Stanlow abbey, leaving there on the 7th for Wallerscote near Northwich, from whence on Sunday the 8th, after issuing an appeal to his army in South Wales to prolong their service, he came north to Ince and spent two days there. On the 11th he went to Bromborough (probably

¹ *Parl. Writs* i. 209.

staying at the abbot of Chester's courthouse at the mouth of Bromborough Pool), which he made his quarters till the 13th. He then returned, apparently *via* Vale Royal, to the queen at Shotwick, where he stayed from 14th to 22nd August, visiting the camp at Basingwerk, and proceeding to Rhuddlan and Abergele. He was back in Chester for the first week in September, but military operations drew him again to Rhuddlan till 21st November. After a few days in Chester, the return south was made *via* Shocklach castle (23rd November) and Ellesmere.¹

During the six days at the priory, perhaps the king himself may have been housed within the walls, but the house was a small one and, as the time of year was suitable, the numerous retinue which must have accompanied him probably lived in the tents and pavilions which it was the custom to convey in carts from place to place. The presence at Birkenhead of an official staff is evidenced by the issue there of several royal letters, both patent and close. On the 1st August, perhaps in the priory chapter house, the king received a most important body of envoys from the king of Scotland, who sent the bishops of St. Andrews and Dunblane, Robert Bruce, earl of Carrick (son of the great competitor with Baliol) and Sir Richard de Stratton, to announce to the king of England the settlement of a dispute between the Scottish king and the bishop of Durham over their boundaries.²

A roll³ has survived which gives us details of the sums spent each day of this visit to Birkenhead

¹ MS. *Itinerary loc. cit.*, Exchequer Accts. 350/26, Pat. and Close Rolls &c.

² Rymer, *Foedera* (Rec. ed. i. 544).

³ Excheq. Accts. 350/25.

in the various departments or offices of the royal household, for purchase of provisions etc. On the day of arrival (Saturday 31st July) a usual offering of 4s. was made, probably at the altar in the priory church. The spending departments were the same at Birkenhead as at Windsor, viz., the dispensary or steward's department, butlery, kitchen, scutler, saucerer, and the stables. Under "chamber" (*camera*) appears a payment of a shilling a day, and under "hall" (*aula*) usually eightpence, both probably for coal, faggots or litter. The dispensary account varies from 17s. 1½d. to 11s. a day, the butler's from £2 8s. 11d. to £1 18s. 9d., the cook's from £3 9s. 6d. to £2 2s. 7½d., the scutler's from 8s. 4d. to 6s. 11d., the saucerer's 2s. 11d. to 2s. 6d. The stable account (no doubt for hay, corn and barley) is by far the heaviest item and indicates a great many horses. £8 12s. 2½d. is entered for the day of arrival, £7 11s. 0d. the next, and a little over £5 on the others. The daily sum of all departments runs between £10 and £15, and for the six days at Birkenhead the grand total is £72 17s. 5½d. This in currency of 1914 may represent well over £1,500, and much more of course to-day.

Another roll¹ of gifts and alms shows that on the 1st August (St. Peter ad Vincula) 63 poor people came for the king's alms and were fed at a cost of 7s. 10½d., presumably at Birkenhead. During the journey from Eccleshall to Chester, the royal chaplain had given 8s. away. At Chester, alms were given to the four houses of friars, the poor and the sick. One hundred poor were

¹ Excheq. Accts. 350/23. The expenditure on the poor works out at 1½d. each.

fed at a cost of 12s. 6d. on the Monday and Friday in the week following the 1st August. Offerings were made at St. Asaph, and 27 poor men were fed each day for 10 days while the king was staying at Shotwick, by the hands of "friar R.," at a charge of 33s. 9d.

Probably the king used the ferry boats to get from Birkenhead to Stanlow, and when going to Bromborough from Ince he may have landed at the Carlett ferry at Eastham, or crossed the river Gowy. There is no record that he went to Liverpool, but he will have seen the extent of the traffic at the Woodside ferry and may have listened to the prior's complaints about the hardships of housing and feeding so many travellers. It was during this visit and while his household went from Bromborough to Shotwick that upon the Ides (13th) of August¹ the king again visited his royal manor of Darnhall, and in the presence of all the greatest men of the kingdom (according to the abbey chronicler), laid with his own hands the first stone of the great altar for his new abbey of Vale Royal. Queen Eleanor, who accompanied him here, placed two stones, as did most of those present, including the chancellor (Robert Burnell, bishop of Bath and Wells), the bishop of St. Asaph, and the earls of Gloucester, Cornwall, Surrey and Warwick. The king thus found time on this occasion, while in the district, to visit four of the local religious houses (Chester, Birkenhead,

¹ According to the *Ledger Book of Vale Royal Abbey* (Rec. Soc. of Lancs. & Chesh. vol. lxviii. 5). The king was, as we have seen, at Darnhall on the Ides of *July*, but there is no reason to doubt the accuracy of the abbey chronicler, and there would be no great difficulty in riding over to Vale Royal from Bromborough on the 13th August, if the king did not go there over-night.

Stanlow and Basingwerk), and founded another. He was again in Cheshire in 1278, and in the autumn his household accounts show a visit to Bromborough, from Monday September 19th to Thursday, September 22nd, but there is no record of a visit to the priory on this occasion.¹ The priory is named in 1282 among the other religious houses in Cheshire who were called upon that year to provide carts and vehicles to carry food to the armies still fighting against the Welsh.²

It seems certain that at the time when the priory was erected, a rough road or track to and from the Woodside ferry ran across the headland through the site allotted for the new monastery. In the twelfth century the ferry was probably little used, but the monks had to make the best of any disadvantage in the site caused by the road. With the increase of traffic upon it, this public highway, which, we are told in 1284, ran through the middle of the open court or close of the priory, became, as the prior said, a nuisance and to the manifest scandal of their religion, so an application was successfully made to Edward I for leave to enclose the court within a ditch and hedge or wall, and to divert the road near the priory to a more suitable and convenient position for those passing by.³ Many years later the alteration of this road was made the subject of complaint by the forest officers.⁴

¹ Excheq. Accts. 350/27. The autumn itinerary is as follows : Shocklach, Sept. 4, Shotwick, Sept. 5, 6, Basingwerk, Sept. 6, Rhuddlan, Sept. 7, Flint, Sept. 13, Shotwick, Sept. 15-18, Bromborough, Sept. 19-22, Ince, Sept. 23, Vale Royal, Sept. 24, Barnshaw, Sept. 25, Macclesfield, Sept. 26-30, Oct. 1-3. These are "wardrobe" dates and may not always mean the king himself was with it.

² *Cal. Chan. Rolls* (Various) 277.

³ Close Roll 284.

⁴ *Post* p. 39.

The important events of 1317 and 1330 relating to the erection of hostels for travellers, and the ferry tolls, are dealt with in Part II of this book.

Some basis for comparison, as regards the relative value of the estates and income of the local monasteries in these days, is afforded by the amounts granted by them in 1333, at the request of Edward III, towards the expenses of the marriage of his sister Eleanor to the count of Guelders. Chester gave £13 6s. 8d., Vale Royal and Norton £5 each, Combermere £6 13s. 4d., Birkenhead and Basingwerk £3 6s. 8d. each.¹

The prior had on numerous occasions to produce before the County Court or Forest Eyre his charters as evidence of the liberties and rights of the monastery and its tenants. The most serious inquiry into them took place, apparently in 1353, before a special court. On the whole the prior emerged successfully from the ordeal, but his claims were not extravagant when compared with the chartered rights and immunities conferred on the great Cheshire "barons," and do not show that Birkenhead had received any very unusual privileges in the past. The following were the rights challenged, with the prior's replies thereto.²

- 1, 2, 3. Turbary and common pasture in the towns of Bidston, Moreton and Saughall, and fisheries, royal wreck and boats within the limits of the manor of Claughton, i.e., from the boundaries of Oxton to the middle of the river Mersey. The prior answered that he was a freeholder and such ordinary

¹ Pat. and Close Roll, 27th May 1333.

² Chester *Quo Warranto* Roll 27-31 Ed. III. m. 4, printed, with small errors, in Dugdale, *Mon.* iv. 242, and Ormerod, *Cheshire* ii. 462.



BIRKENHEAD PRIORY FROM THE NORTH 1780

FROM A DRAWING BY JOHN CALVELEY

rights could not be made the subject of an inquiry into privileges. This was adjudged a good reply, but the question of the fisheries being a matter concerning the forest was referred to the next forest Eyre ; as was also a claim that penalties for forest offences within the manor were only to be inflicted when the offender was caught red-handed.

4. Freedom from housing and feeding any of the earl's serjeants of the peace and forest officers except six foresters when on their rounds without horses. The prior produced the charter of earl Randle giving this acquittance to all his freemen.
5. The ferry, ferry hostel and the sale of food to passengers. The *passage par bateaux* between the priory and the vill of "Litherpole" had been seized by the escheator as appurtenant to the Black Prince, but his council agreed to let the prior have it back if he could plead successfully to the *Quo Warranto*.¹ So the prior produced his charters. In the recital of the license to his predecessor to build houses at the ferry, the prior inserts words (*quod quidem passagium commune antea habebat*) which are not in the original and which constitute the only evidence there is that the priory already carried on the ferry before 1317, and that the grant of the ferry in 1330 may have been only a confirmation with the addition of the right to charge tolls.²
6. Freedom from attendance at the Hundred Court. The prior produced his charter.

¹ Order 26th Aug. 1352, to Thos. the Young, escheator of Cheshire (Black Prince's Register, P.R.O., Excheq. Treas. of Receipt, Miscell. Bk. 279, fo. 61).

² For the ferry see *post* p. 136.

7. The right to hold his free court twice a year and to correct his tenants for breaches of the regulations relating to the sale of bread and beer, &c. The prior said he had tenants who owed him "suit" at his manor court of Claughton as of right and that this was no "liberty." Adjudged a good reply. He disclaimed the correction of breaches of the laws as to the sale of bread and beer, and was amerced, this liberty being taken back into the earl's hand, the prior's tenants in future to be chargeable for breach of these laws before the sheriff at his "Tourn" in the Hundred Court.
8. Common pasture, with the right to take fern, heather, &c. all the year round, in the town of Tranmere. This being a forest matter was referred to the eyre.

Before the close of the inquiry, William Braas, the earl's advocate, asked for particulars of the ferry tolls. The prior said the charges were as follows :—For a man and horse, laden or not, 2d., for a man on foot, $\frac{1}{4}$ d., but on the Saturday market days at Liverpool, a man paid a halfpenny, and a penny if he had a pack. It was urged that excessive tolls were taken and an inquiry was ordered. We do not know the result. In 1499 the prior put forward, among the general claims to privileges then set up by various persons, his freedom from suit to the Hundred Court (adding the towns of Wallasey, Heswall and Backford as places where he also had tenants in the county), and the ferry rights, the tolls then being given as a halfpenny for a man and the same for every animal, and for carts the accustomed charges.¹

¹ Claims of privileges Henry VII, P.R.O. Chester 38/26 No. .9. See also Chester 34/4. For the ferry tolls see *post* p. 139.

The Saturday market in Liverpool was the occasion of a complaint preferred in 1350 by one John Watson to the itinerant justices of Lancashire. Thomas de Tiddesbury, the prior of Birkenhead and Geoffrey, his fellow monk, had come with force and arms in the town of Liverpool on Saturday November 6th, at the time of high market, and assaulted John, who said they beat, wickedly ill-treated and wounded him. Not content with that, they stole his cloths, doing him £20 damage. An endorsement on the bill of complaint refers to John's poverty and recites that by this affray in "high market," the earl of Lancaster (lord of the town) had lost some tolls and profits.¹

Very few notices of the appearance of the priors in public life occur in these centuries.

The prior of Birkenhead represented the religious houses of the county at an important meeting in the full exchequer of Chester, before the justice, on 20th January 1288-9, when disputes over the fairs were settled between the abbey of Chester and the city. The former claimed that the fair on the nativity day of St. John the Baptist should be held in front of the abbey gate and that all stalls should be pitched there and nowhere else, while the mayor and citizens asserted their right to buy and sell elsewhere during the fair. The compromise cost the city a yearly payment to the abbey of £2 6s. 8d.²

The prior was one of a body representative of the commonalty of Wirral who applied to the justice of Chester in the eyre at Backford in July 1307, that they should be given copies of the lists of persons indicted for felony in the Hundred

¹ P.R.O. Excheq. Treasury of Receipt, Miscell. Bk. XC. No. 339.

² The agreement is set out in Chester Plea Roll No. 5 m. 2.

and that attachments for offences should be made by men elected by the commonalty as of old.¹ This application, opposed by Urian de St. Pierre (one of the county serjeants), was directed against abuses of office by the serjeants of the peace and their officers in forcing the general body of freeholders either to serve unlimited numbers of summonses both within and without the Hundred and to attest the service at eyres outside the Hundred, or to pay fines for freedom from this burdensome and inconvenient task.²

In 1379, prior Roger attested at Warrington a deed relating to the friary there. The names of the abbots of Chester and Vale Royal and the prior of Norton precede his, while that of the prior of Warrington follows it.³

On 12th September 1386, Roger the prior (then, we are told, aged 53 and more) paid another visit to Warrington to give evidence for Sir Robert Grosvenor in the historic dispute with Sir Richard Scrope over the right to bear the gold "bend" on a blue shield of arms. The prior, like the poet Chaucer, was only one of hundreds of witnesses of high and low degree whose evidence was taken by commissioners all over the country. The court at Warrington consisted of John Butler, the "baron" of Warrington, Sir Nicholas de Vernon, Sir Thomas Gerard and William Bromborough, parson of Aldford in Cheshire. The prior, after referring to his knowledge of the traditional right of the Grosvenors to the arms in dispute, said he had seen charters and documents sealed with them in the name of Sir Robert's ancestors. As to

¹ Chester Eyre Roll No. 1 m.i.

² See *The Wapentake of Wirral*, Chapter iii.

³ *Hist. of Warrington Friary* (Cheth. Soc.) 12.

the right of Scrope to bear them, he had heard tell that since the controversy arose, but never before, Scrope had used them with a purple lion on the "bend."¹ It is a matter of heraldic history that, after years of litigation in the Court of Chivalry, Scrope was awarded the arms he claimed, and Grosvenor, refusing a differenced coat, adopted the golden sheaf upon a blue shield, now used by the duke of Westminster.

In 1391 prior Roger de Didsbury was concerned in a curious form of taxation. Richard II had, at the end of the previous year, appointed Ebele Lestrangle, parson of Gresford, to take the "prise" (or royal custom) of all falcons sold as well within the town of Chester as in every town or port within forty leagues. The duties payable were as follows :—"le gerfauk" (jerfalcon) 2 marks, "le tercel (male) du gerfauk," one mark, "le faucon gentil," 2os., "le tercellet gentil," 1os., lostour (goshawk), one mark, "le tercel de lostour," "le sacre," "le sacret," "le laner" and "laneret," half a mark each. The Gresford cleric entrusted the collection of the moneys to the prior of Birkenhead, the chamberlain, sheriff and mayor of Chester.²

In 1370 prior Roger was appointed by the bishop of Lichfield, with the abbot of Meravale and Hugh de Hopwas, a canon of Lichfield, as commissioner to act for the bishop in executing the terms of a papal letter in which the pope stated that he had heard that John de Seynesbury, rector of St. Mary-on-the-Hill, Chester, had killed Robert of Clitheroe, a priest and Hugh Erle, a layman. The bishop was to summon

¹ Nicolas, *The Scrope and Grosvenor Controversy*, i. 298.

² *Cal. Ches. Recog. Rolls* (36 Rep. Dep. Keeper 456).

the rector and find out the truth, and if he was guilty of homicide to remove him from the church which he had held for three years since the murders. The prior was subsequently appointed sole commissioner.¹ The crime was committed before September 1364, when the prince of Wales pardoned John, then a chaplain, and his servant, for a fine of eighty pounds in respect of the death of Robert of Clitheroe. In 1404 we find John, as late parson of St. Mary, in receipt of a pension for life from the abbot of Chester of forty marks.²

The prior acted as one of the collectors in the archdeaconry of Chester of a moiety of a tenth granted to the king by the clergy of the province of Canterbury in 1393. He was in arrears with his payments in 1396 to the extent of nearly £50 and the king issued a special order to the chamberlain of Chester allowing payment by instalments of 20 marks a year.³

A serious dispute, the exact nature of which is obscure, took place in 1399 between the prior and John the Woodward of Wirral. In default of obedience to some order John was excommunicated by Mr. Roger Davenport the commissary of the archdeacon of Chester, and was thrown into prison at Chester, as he said, without reasonable cause and at the procurement of the prior and convent. He denied the archdeacon's jurisdiction, and, on appealing to the Apostolic See at Canterbury, was liberated from prison. It then appeared that he had intimated to the archbishop's court that though of good reputation he had reason to suppose something might be

¹ Lichfield Act Book No. 5 f. 68b.

² *Cal. Ches. Recog. Rolls* (36 Rep. Dep. Keeper 416, 440, etc.)

³ *Ches. Recog. Roll* No. 69 m.4 (78).

attempted to his prejudice ; so an order issued on 11th May 1400, from the official of the Court to the *literati* of the dioceses of Lichfield, Norwich and St. Asaph, ordering them to inhibit the prior and Davenport and to cite the former to appear before the Court in London at St. Mary le Bow.¹

A curious affair between two monks on Sunday, 17th October 1423, led to the unusual appearance of one of them before Hugh de Dutton, the sheriff of Cheshire, at his "tourn," held at Willaston on 12th May 1424. The charge against Robert de Urmston, a monk under John del Wode, the prior of Birkenhead, was that he had despoiled John de Wigan, a monk of "Dounes," of a cape of "wolsted" worth 20s., then being on his back, and also of a silver-gilt brooch worth 3s. 4d., contrary to the will of the prior and to his obedience. Benefit of clergy does not seem to have been claimed and the king ordered the matter to be decided before the justice at Chester, where on 9th January 1424-5, Robert appeared in charge of the constable of Cheshire. His plea of not guilty being agreed to by the jury, he was acquitted, and his character must, indeed, have been completely vindicated as within a very short time he was elected prior.²

On Monday before the feast of St. James the Apostle 1436, when Isabel, the young widow of Sir John Butler was in her house at Bewsey, near Warrington, William Poole, one of the Wirral family, a Liverpool man, broke in and

¹ Ches. Recog. Roll No. 73 m.10 (7, 8, 9.)

² Chester Plea Roll No. 129 m.20, Indictment Roll No. 12 m.5d. On 27th March, 1425, as prior, he gave sureties for a fine of half a mark, pledges, John Launcelyn, John Bebington, Rob. del More and Thos. Bebington, *ibid.* m.24d.

assaulted her, and led her naked, save for a smock and kirtle, into the wild parts of Wales. There he hid her for a time and then carried her to Birkenhead. After keeping her locked up there he dragged her against her will to the parish church of Bidston, having with him a priest to wed them together. When Isabel was asked if she would take Poole as her husband she replied, "Nay, never by my will," whereupon he threatened her with death unless she would say the words of matrimony, and the priest, against her will, married them. Poole then dragged her back to Birkenhead the same day, and put her in a strong chamber. After he had fled from justice, orders were given by the king to look for Isabel and put her into safe ward. Sir Thomas Stanley, one of the commissioners, found her at Birkenhead and took her to Chester castle. Her two petitions for redress are among the rolls of Parliament.¹ Her story, only one of many such violent abductions which took place in Lancashire and Cheshire in these lawless times, does not indeed directly mention the priory but that alone can have been the place where she was taken. Moreover, we know that the Poole family was closely associated during this century (and probably earlier) with the priory, as members of it acted in succession as lay stewards until the dissolution. Probably the less said about any part played by the prior in this story the better.

In 1449 the prior and convent were appointed collectors in Cheshire of the tenth for the king.² The prior does not appear among the heads of religious houses bound to pay the tenth in 1485,³

¹ *Rot. Parl.* IV. 497-8.

² *Lichfield Act Book* 10, f. 41d.

³ *ibid.* No. 12, f. 177d.



BIRKENHEAD PRIORY FROM THE WEST 1780

FROM A DRAWING BY JOHN CALVELEY

and from that collected in 1496 the priory had exemption by name.¹

We find the name of Richard (Norman) prior of Birkenhead, as one of the sealing parties in 1450 to the instructions given by the county magnates for a petition to Henry VI asking that the county of Chester should be freed from the subsidy granted by Parliament at Leicester, as contrary to the palatine liberties. The prior seals after the abbots of Chester and Vale Royal and before the knights and esquires of the county.²

The priory was broken into on 4th July 1508, about midnight, by Nicholas Barbour, a Tranmere labourer. He entered the house and chamber of the prior Nicholas and stole his silver ring worth 3s. 4d. A jury at Chester castle convicted him and he was sentenced to be hanged.³

One or two references to the priory occur in sixteenth-century local wills. John Meols, in 1527, left 6s. 8d. to the prior for a painting of the Crucifixion for the priory church. George Booth of Dunham Massie, by his will of 1531, gave his best horse to the prior, John Sharp, and asked for his prayers, "inasmuch as it is a statute made that he can have no corse-present."⁴ He also left ten shillings for a "trentall" (thirty) of requiem masses for his soul, and he appointed the prior overseer of the will, giving him a ring of gold. John Scarisbrick, of Scarisbrick, in 1530 entrusted the money which he left for his daughters' dowries to the keeping of the prior and convent of "Byrkyn," which seems perhaps

¹ Lichfield Act Book No. 13, f. 196.

² *Jour. Chester Arch. Soc.* 8 N.S. 30.

³ Chester Plea Roll No. 210 m.8.

⁴ *i.e.* a mortuary gift. The statute 21 Hen. VIII had restricted these gifts.

more likely to represent Birkenhead than the nearer house of Burscough. In 1529, prior John was given the appointment of a chaplain in the chapel of the Virgin and St. Nicholas at Liverpool, if the trustees of a chantry, to be founded there by Thomas Halghton under the will of his father Evan, failed to act.¹

¹ Harl. Charter 58 E.28, an extract from the court roll of the manor of West Derby, 10th May, 1529, relating to land purchased from Thos. Smyth, alderman of Chester, by Evan and Cecily Halghton.

CHAPTER III

THE PRIORY AND THE FOREST OF WIRRAL

SOME extracts from the rolls of the forest of Wirral in the 14th century show us Birkenhead and Claughton in aspects strangely different from the present. For though it is not really so many years ago since foxhounds met and killed within the bounds of the borough, and harriers and beagles are still hunting hares not very far away, it must be many centuries since deer browsed on the slopes of Claughton and the smaller beasts of the forest and herds of pigs grubbed among the woods of Birkenhead. Wolves also there were in Wirral and in Delamere, and enough in 1302 round Macclesfield to make necessary the construction of special traps.

There is reason to think that Wirral, at any rate the northern end and along the Dee, was fairly populous before the Norman earls of Chester made it a "forest" within the bounds of which the strict preservation of the game must have led to the ruination of many homesteads and driven elsewhere, or confined to the coast, large numbers of the settlers. The forest laws which were in force throughout the whole of the Hundred when the priory was founded, pressed very hardly upon its people who suffered in many ways from the damage done by the beasts of the forest and from the rigorous enforcement of the rules of "the game." The proceedings in the eyres of the forest of Wirral, held at various dates in the late thirteenth and the fourteenth centuries,

show that large numbers of the inhabitants were brought before the courts for offences connected with the forest ; houses and mills and hedges built without license were ordered to be pulled down, " assarts " (enclosures made for agricultural purposes) were thrown open again, while manorial owners and ecclesiastics were fined for all kinds of trespass and false claims to exemption from the forest laws. The serjeants and forest officers perambulated the Hundred, watching with jealous eyes the acts of all men alike. They could claim to be billeted upon certain houses and to be provided with food and drink, provender for their horses and meat for their dogs. Strictly speaking they had to take " pot-luck " and were only entitled to be served with such food as might happen to be in the house, but some of the grievances of the people were that gifts of lambs, ducks, young pigs, and sheaves of corn were exacted as part of the board and lodging, that undue numbers of forest officers claimed to be billeted, and that the party, instead of moving on after a supper, a night's rest and a morning meal, remained for an unreasonable length of time. This liability to the sudden invasion of his tenants' houses by the foresters with their men and horses lay, as elsewhere, upon the prior's manor of Claughton, and constituted a serious annoyance and burden until the Black prince, as earl of Chester, was persuaded to disafforest the Hundred of Wirral about 1376.¹ A petition which was subsequently presented by " the poor commonalty " of Wirral to Edward III asking him to obtain the sanction of Parliament to his

¹ *Trans. Hist. Soc. Lancs. and Ches.* xxiii N.S. 165, and xxxiv. N.S. 139.

and his son's acts of disafforestation, refers to the great damage that the animals in the forest of Wirral had done to them. Particular mention is made of the destruction and desolation of the parish churches, in which divine services had been withdrawn by reason of the beasts and the forest regulations. The meaning of this curious reference probably is, that owing to the restrictions upon felling timber within the bounds of the forest it had not been possible to prevent the churches falling into disrepair. The disafforestation of Wirral was never confirmed by Parliament, but Richard II did so by charter in 1389. The trouble had been that no inquiry was held before the Black prince's act of disafforestation into the damage this might cause to the vested rights of the master forester of Wirral. At that time most of the manorial owners had compounded with the Stanley family, the hereditary master foresters, and paid a regular sum called "puture rent" for exemption from the serjeants' visitations. The incomplete list of places to which William de Stanley, for a consideration, subsequently gave a release from future claims to this rent does not include Claughton, and the monks may not have been rich enough to buy him off, or perhaps they had not been visited so often. Although Edward III apparently had charged the Hundred nothing when on 20th July, 1376 (six weeks after the death of the Black prince) he confirmed his son's charter, Richard II exacted, as the price of his concurrence, a fine of £400 from the Hundred, towards which the priory of Birkenhead seems to have contributed £8 8s. od. in respect of Claughton. With this we may compare amounts paid by some of the neighbouring manors,

for example, Bidston and Wallasey, £7 4s. od. each, Prenton and Little Meols, £3 12s. od. each, Liscard, £5 13s. od., Tranmere, £5 15s. 6d. and Great Neston, £9 14s. od. The prior will have contributed also towards the fine paid by the manor of Moreton, which was the large figure of £10 7s. od., pointing to it having been of considerably greater extent or perhaps value in those days.¹

The rolls show that the prior and his tenants were very frequently in trouble with the foresters. In November 1288, it was reported that he kept two dogs at Claughton which had not been "lawed," that is to say, their feet had not been mutilated to prevent them hunting.² In 1340 one of the complaints was that the priory had knowingly received as a malefactor one John de Stabulo and his servant, an evil doer in the forest, in whose spoils of venison the prior had shared. John had not been arrested and the prior, evidently having a good conscience, allowed the matter to be enquired into by the same jury as had presented the charge, with the result that they acquitted him. At the same date it appears that all the cattle in Claughton had been driven off to Chester castle because a stag had been found dead within its boundaries. The culprit could not be indicated by the men of the township and the cattle were only restored on payment of a fine of half a mark. The prior was also amerced for having broken up, with the plough, six acres at Claughton during the last three years, and

¹ The figures are deduced from the Disafforestation Roll printed by the writer in *Trans. Hist. Soc. Lancs. and Ches.* xxiii. N.S. 174. The high assessment of Moreton also appears in the "mise," the ancient basis for taxation in the county.

² Chester Forest Roll No. 1, m.12d.

some more land at "Wolveton," and also for having built a house and a half at "Wolveton" where none had been before. As the foresters said the houses were no injury to the forest, he was allowed to retain them. He was also found to be holding twenty acres of assarted land called "Tollestowe" or "Tolscowe,"¹ on which he had received the crop for no less than 20 years, each acre being worth 1s. a year. The prior escaped a heavy fine by producing a charter granted by Edward I, when earl of Chester, at Shotwick, on 6th September 1259, whereby leave had been given to the priory to assart their grove (*grava*) called "Tollestowe" below the vill of Claughton and within the bounds of the forest, without liability for waste. This settled the matter. Other charges against the prior on this occasion were for making a ditch or dyke, two acres long, by his wood, such as no deer could leap across. He was ordered to destroy it, but was allowed to keep another enclosure of half an acre with a hedge and a similar un-jumpable ditch. Alexander de Banvill and James de Pool became his sureties for amends. The removal of a customary road, to the injury of travellers and of "the forest of Byrkehed," was another complaint, to which the prior's reply was that he had the right to close this road by the king's license. This, no doubt, was the highway through the priory close for which permission to divert had been given in 1284. The prior's pigstyes were also objected to although he said he had

¹ Probably this is the modern "Toadhole," the name of a farm below Flaybrick in modern Claughton? The "Taskelowe Green" occurs below, and "The Tascar" is mentioned among the demesne lands at Birkenhead of Sir Thos. Powell in 1646. Harl. MS. 2018, fo. 55.

as much right to put them up as had any freeman possessing a wood. The forest officers did not pursue this complaint, as it appeared that no one lived in the wood and so the game would not be disturbed. A mill pool (*stagnum*) within the wood, covering a quarter of an acre, had been made, but this again he was allowed to retain on payment of amends.¹ So also with the clearance of an acre in Claughton lying in "Ulsildesgrene" (or *greve*) by the wood, and of two acres on Claughton Heath.²

Among the charges in 1347 against the prior, was one of cutting down and taking away a hundred and twenty four oak trees in the woods of Birkenhead and "Woolverton," also of cutting heath and fern to the injury of the pasturage of the game. The wood was taken into the earl's hand and 13s. 4d. was paid for its recovery, the prior's surety being Roger de Shibbrok, a clerk.

In January 1339-40, Sir Warin Trussell, Kt. entered the forest with hounds and took a doe in Birkenhead wood. The forest law having no respect for notables, he was fined half a mark. A house made by the prior in this wood was ordered to be destroyed, and a great ditch which he had dug for a "peelee" (or palisaded enclosure) in Claughton and another ditch by "Woolveton" wood had to be filled up. The prior, together with the earl of Lancaster, Roger del Brom, William Gregory and Roger the clerk of Moreton, had dug turf without warrant in six acres of the moss at Moreton to the value of £8, and also, in company with John de Warren, had done the same for seven years past on the "Falles"

¹ Chester Forest Roll No. 2, m. 1-3d.

² Chester Forest Roll No. 3, m. 1.



BIRKENHEAD PRIORY FROM THE EAST 1780

FROM A DRAWING BY JOHN CALVELEY

in Thurstaston and elsewhere. They were fined and the moss-land put back into the forest. At this enquiry the prior alleged that he, his men and tenants, had the right in their own soil to dig turf, and cut gorse, ferns and heather at all times of the year outside the covert but within the forest. He also claimed common pasture for all his animals in the vill of Tranmere throughout the year, and to keep, in his manor of Claughton and at the priory, greyhounds and all kinds of dogs not harmful to the earl's game without having to cut their feet. Other liberties put forward included the right of cutting timber in his wood for burning, making fences and building purposes ; to sell and give away the dead wood at will without supervision by the foresters ; to assart all his lands within the bounds of his previous cultivation in the forest ; and further to have the right of doing so with new land within the forest upon giving to the earl 5s. for each acre of heather and half a mark for each acre of wood, if 12 lawworthy men decided this could be done without damage to the forest.¹ That all such things should have to be claimed as privileges illustrates the normal severity of the forest laws.

A further example of the jurisdiction of the forester of Wirral appears in January 1352-3, when William de Stanley produced at Chester castle a dead buck which had been shot by an arrow and found within the boundaries of Claughton. Neither his men nor the representatives of Claughton, Tranmere, Oxtun or Bidston could say who had killed it, but there it was, and the sheriff was ordered to levy 5s. upon the prior's town of Claughton, for which John

¹ Chester Forest Roll No. 4 *passim*.

de Lascelles and Richard de Wolveton became sureties.¹

A special enquiry was held at Chester in 1353 into a great many complaints, often several years old, against the forest officers and other officials of the county. One of a number of presentments against the forester of Wirral was that on the 10th April 1346, he had taken from Henry de Bechynton, the late prior of Birkenhead, £4, as a fee for permitting the prior to "assart" or bring into cultivation, a "tristera" between "Wolveton" wood and Birket wood, to the injury of the forest and to the earl's loss.² A "tristera" appears to have been the name for places where hounds were held, under cover, and on leash, during a deer drive. In some forests it was an obligation upon certain tenants to post themselves at the recognised spots where the deer were accustomed to break, and let loose the hounds. The destruction of these hiding places was strictly forbidden, and perhaps this was the same "tristera" as one by the "Black Street" in Claughton, where the prior had cleared two and a half acres without warrant and taken two sowings off it of winter corn. For this he was amerced at the forest court in 1347-8 and the land taken away, although the forester did not press the charge.³

A later roll,⁴ covering the period of 1351 to 1358, contains similar charges. Thomas the

¹ Chester Plea Roll No. 64 m. 11.

² *Ibid.* No. 65 m. 1, 4, 6.

³ Chester Forest Roll No. 4.

⁴ Chester Forest Roll No. 6.

prior, with many others,¹ had been digging turf on the waste outside the forest covert in Bidston "Keer" (Carr) and making deep pits to the injury of the deer. The prior's fine was 1s., and the others 6d. The prior was also fined for cutting two green oaks without consulting the foresters, and his gift of six small ones in 1357 to John Domvill, and two to William de Stanley and John de Lascelles in 1352, from the wood of Birkenhead, cost him 6s. 8d., while twenty of his pigs (worth 5s.) were seized because they were feeding in forbidden parts of the woods of Birkenhead and Tranmere. Lands in several places assarted from the forest so long ago as thirty years earlier had to be paid for by enormous fines. Some were in Kirkby Walley and another piece was in Claughton, between "the Black Street which led to Chester and the Pool," *i.e.* between the old Bidston Road and Wallasey Pool. This land was more than twenty nine acres, part sown with winter corn and part with three months corn. The fine was £29 6s. 3d. For another piece in Claughton, between the road leading to Chester and the wood called Lasselle-field (next to Wallasey Pool) it was £14 8s. 2d. Sixteen years before this inquiry "Taskelowe Green" and the "New Field" (in all about 35 acres) had been assarted by the priory which now was ordered to pay £30. As this represented many hundreds

1 Ric. de Wolveton, William son of Dawe, William and Ric. sons of William de Claughton, John the Smith of Claughton, Ralph le Mayre of Secum, Wm. de Shroulakes, John de le Rake, Ric. del Halle, John le Barker, William Coyde, Rog. Nerford (?), Adam de Acton, John Fal of Lyscark, Thos. Tasy, Adam le Gose, Thos. son of William de Pulton, John, rector of the ch. of Kirkby Walley, Huwet de Byram, Hong le Waller, William de Stanay of Walay, Thos. de Newbold, John Doune, Thos. rector of the church of Thurstaston and John Moston.

of pounds of modern money, one wonders if, and how, it was ever paid. On this occasion the prior repeated his previous claims with various additions, such as the right to till land where no wood grew, without building upon it, and to have in all his woods in the forest free pasturage for his pigs each year from Michaelmas to Martinmas without payment, and pasturage in his forest lands at all times of the year except in the hay-making month. A claim to take and dry the turf anywhere in the moss was modified on payment of half a mark so as to be only the right to dig continuously from one side of the moss without making other pits which might be a danger to the earl's game by their too great depth. In support of some of these claims the prior pleaded and produced the great Charter of liberties given to the "barons" and freemen of Cheshire by earl Randle, about 1216, and recited its various confirmations by the kings of England to 1346.¹ The prior stated that, at the time of Randle's grant, Oliver, then prior of Birkenhead, possessed most of these liberties, and for the rest he claimed prescription. The earl's advocate, William de Wakebrugge, demanded proof before a jury who allowed the prior's claims, saving the rights of the prince of Wales, the earl of Chester.²

¹ Tait, *Chartulary of Chester Abbey*, p. 101.

² Chester Forest Roll No. 6 m.10d.

CHAPTER IV

LOCAL NOTES

SOME of the presentments and inquisitions made in the County and the Hundred Courts by the sheriff or the coroner of the Hundred of Wirral in mediæval days are of human interest as showing the priory concerned in matters of everyday life and other than religious. In 1309 the coroner and the representatives of the townships of Poulton in Wallay, Kirkby, Liscard and Claughton, reported that Thomas son of Ebba of Poulton assaulted Matthew son of Henry de Walley, and would have killed him if Matthew in self-defence had not slain Thomas. No one else assisted in the fight, and Matthew himself, wounded to death, was taken off to Chester castle, but as it appeared that he only acted in self defence, he was to be released on payment of a fine of 40d., for which the prior of Birkenhead and William de Lascelles became sureties.¹ In 1335 prior Robert was presented before the sheriff for having obstructed in divers places a Wirral highway (in Claughton) called the "Black Street." Three representatives from each of the adjacent townships went to view the road and, when summoned with the prior to the County Court, said that no obstruction had taken place. The sheriff only escaped a fine because of his official position.²

The death at Birkenhead Wood, apparently from cold and thunder, of Emma, wife of Ralph

¹ Chester Plea Roll No. 22 m.32.

² Chester Plea Roll No. 46 m.18d.

the carter of Claughton, was reported in February 1342 by the coroner and the four nearest or adjacent townships, Claughton, Oxton, Tranmere and Poulton. No one was suspected and the verdict was "mischance."¹ Then, in February 1345, there was a similar finding in the case of a boy, name unknown, who was drowned in "Raynilde's Pool," by Birkenhead. Here the township of Over Bebington superseded that of Poulton in the presenting body, which suggests this pool was on the south side of the priory headland.²

William son of Hugh, a Lancashire man, was wounded with an arrow at Liverpool in 1345, and, coming across the river, was taken in at the priory where he died. No one could say who had killed him and the verdict was "murder."³

A complaint was made in March 1376-7, against Richard de Vernon, "vicar" of Bromborough and dean of Wirral. He had taken four pence by extortion, at Bidston, from William the gardener, Henry the woodward, and John Becheton, servants of the prior of Birkenhead.⁴

Some of the priory cattle were stolen in 1374 by Richard son of William the carter of Claughton. Prior Roger de Tiddesbury recovered them and, compounding the felony, took Richard back into his employ again.⁵

Two of the prior's tenants at Claughton were concerned in a presentment of 1405 by William Meols the coroner. Thomas Gille had assaulted Richard de Woolton, on a Sunday, striking him

¹ Ibid. No. 53 m.8.

² Ibid. No. 56 m. 13d. As to "Raynildes Pool," see p. 147

³ Ibid. m.15d.

⁴ Chester Indictment Roll No. 4 m. 42.

⁵ Chester Indictment Roll No. 4 m. 41.

with a stick. Richard ran to a cart standing by but Thomas followed him so closely that he could not escape without danger of death, whereupon Richard struck Thomas in self defence with his stick and killed him. Richard had no goods which could be seized, and was outlawed.¹

In December 1400, a number of Wallasey men (Thomas le Taylour, John Scargill, Thomas le Prestesson, Henry Gamull, Robert Tyruppe and John del Hulle) were fined for stealing at Birkenhead from Robert Molineux and his fellows, fourteen oxen, cows and calves which Robert had brought from Wales, where he had taken them from rebels.² Edmund the cooper, a labourer living at Eastham, was charged at the Hundred Court of Wirral, sitting at Backford in 1408, with having taken from the prior of Birkenhead three-pence a day for his labour, thus continually breaking the statute, to the oppression and impoverishment of the religious.³ About the same time Ednevet the flesher of Tranmere was fined because on Sunday 12th August 1408, he had sold to Robert the prior some beef for three shillings, taking 8d. in excess, contrary to the law of prices, a thing he was in the habit of doing with others also.⁴

In July 1406 Richard de Bradshawe, of Lancashire, and Randle son of Adam the tailor, of Poulton in Walay, came into Birkenhead wood, cut down and carried off two oaks and some underwood to the value of 40d., in spite of a

1 Chester Plea Roll No. 108 m. 15.

2 Chester Indictment Roll No. 10 m. 5.d.

3 Ibid. No. 9 m. 93.

4 Ibid.

special protection (under fine of £200) granted to the prior by the prince.¹

Brawling in the prior's wood of Birkenhead was reported in 1409. William Nore "from Lancashire" lay in wait in the woods for Richard le Mosse of Liverpool, a draper, and beat him. William was outlawed from Cheshire for this and nine years elapsed before he paid his fine of 26s. 8d.²

An inquest was held on 9th November 1441, at Moreton, before Henry Litherland the coroner, on the body of Margaret Belynge. It seems that on the previous 22nd August she had been playing with other children in a garden at Moreton, gathering damsons under a tree, when a pointed bough fell and, striking her on the top of the head, unfortunately, killed her. No one was blamed. The stick, which belonged to Richard Norman the prior of Birkenhead, was worth 4d., and no doubt its value was forfeited as "deodand."³ On 12th March 1449-50 John Norman, perhaps related to this prior, tripped over the root of an oak in Birkenhead wood, growing by the water side, and, falling on a stone, gave himself a mortal wound. The inquest at Birkenhead, before William de Pole the coroner, did not take place until the following December.⁴

Richard Hiccock of Cloughton was working on a scaffold at the priory on the 24th March

¹ Chester Indictment Roll No. 10 m. 24.

² Chester Indictment Roll No. 9 m. 104.

³ Chester Plea Roll No. 147 m. 12.

⁴ Ibid. No. 156 m. 17. The jurors were Henry Pik, William Ball, Henry Parbalt, John Huntingdon, of Cloughton; John Harrison, John Thomasson, John Woodward, of Oxtan; Ric. Wade, Hugh Knawesley, John More, John Swan, of Tranmere; Alex. Yonge, Thos. Totte, Thos. Jankynson, and William Richardson, of Pulton in Waley.



BIRKFNHEAD PRIORY CONJECTURAL DRAWING

BY E. W. COX

1523-4, when he fell off on to a stone and broke his head, his brains being dashed out. The verdict was "mischance."¹

¹ Chester Plea Roll No. 226 m. 24. The inquest was before Thos. Cottingham, coroner, on 2nd May 1524; jurors: William Hill, Rog. Hodylston, Rob. Coppull, William Hull and Edmund Hunt, of Tranmere; Rog. Watte, Jas. Woodward, Rog. Perbotte, Ric. Drinkwater and William Deyne, of Cloughton; Ric. Wareton, John Godicar, Thos. Chalener. John Raulynson, of Oxton; Thos. Gille, John Williamson and John Yonge, of Poulton in Wallasye.

CHAPTER V

THE MONASTIC ESTATES

AT various dates during its existence the priory held lands, rents or rights in the following places in Cheshire; Claughton, Woolton, Moreton, Saughall Mascy, Bidston, Tranmere, Wallasey, Seacombe, Barnston, Bowdon, Dunham, Over Bebington, Backford, Heswall, Upton, Chester and Leftwich, and in one or two others. In Lancashire, it had property at Liverpool, Newsham, Warrington, Burnden and Melling. It also acquired a mediety of the rectory of Wallasey, and the whole rectories of Backford, Bidston, Bowdon and Davenham. A little will be said later about such of these endowments as can be traced and have any features of interest.

Birkenhead priory never became a rich house. The original endowment of lands was small and can never have been very productive. Later benefactions were few and meagre, and the family of the founder, who might have been expected to augment the revenues, soon parted with their own inheritance. The common charge made against religious houses of gathering into their hands a huge estate and then failing to live up to their responsibilities as landlords, can have had no application in this case; indeed, from what we can see, the prior must always have had a struggle to make ends meet. It is nothing against this view that beautiful buildings were erected, altered and maintained. Pious industry could accomplish most of that without much cost, and

doubtless private donations, both in money and kind, sufficed to do the rest.

For the first two hundred years of its existence the agricultural development of the priory lands in Wirral must have been greatly hampered by the strictness of the forest regulations, of which something has been said elsewhere.

The history of the Black Death, that overwhelming calamity which spread all through England in the middle of the fourteenth century, has occupied much attention, and, though estimates differ, it is certain that an enormous proportion of the population, with very many thousands of clergy and religious, fell victims to the plague. The evidence of its visitation of Cheshire in 1349 and later years is partly inferential, but there are also some definite indications of its dire effect, which, in relation to the priory of Birkenhead and its dependents, both religious and lay, may be used to throw light upon a turning point of national and religious life. Reliable figures for the numbers of deaths in Cheshire are not to be found. In the case of the beneficed clergy who in 1349, to take the first year only of the pestilence, numbered about seventy, thirty new institutions were made during the months of June to September, and it is justifiable to suppose most of these took place in consequence of deaths by the plague. The numbers of non-beneficed clergy and religious in the country could only be guessed at, but there is no reason to think the proportion of mortality was any less within their ranks. In Wirral in 1349 there were vacancies to fill at the churches of Backford, Stoke and Woodchurch, while further off, Frodsham, Tarvin, Barrow, Over and Tilston, to mention only a few, lost their clergy

by death. The abbot of Chester died in November 1349, and a new prior of Norton and a prioress of the Nuns of Chester were appointed in July. The abbot of Vale Royal died in 1369, in a later visitation of the plague. At Liverpool, across the Mersey, in 1361 we find "the stroke of a deadly pestilence was growing daily more grievous in those parts," and the bishop of Lichfield granted a temporary license to bury in the cemetery of the chapel of St. Nicholas all persons whatsoever dying within the town, the mother church at Walton to receive her dues. The chapel yard at Didsbury was specially dedicated in 1362 for the bodies of the victims of the plague there and in the neighbouring hamlets.

Turning to some other local evidence in Cheshire, we find the course of justice, such as it was, is interrupted. The Cheshire forest eyres, due for 1349, could not be held, nor, for lack of juries, the necessary inquisitions at the County and Hundred Courts. The sheriff's receipts, normally let for £200, fell to £65 in 1349-50. The escheator reported lands on all sides lying uncultivated, and rents fell into arrear as the tenants had died and new ones could not be found. At Rudheath, near Northwich, the earl's officials found it necessary to recommend a reduction in rent of one third in order to keep the remaining tenants on the land, which had been made unhealthy by the death of the stocks of cattle and sheep, left to rot in the fields.¹ Of Birkenhead itself, we learn nothing except that the prior died about 1348, but it is unlikely that

¹ *Cheshire Chamberlains' Accts.* (Rec. Soc. Lancs. and Ches. vol. lix) 138, 144, 150, 151, 189, 196, &c.; Gasquet, *The Great Pestilence*, 145-6.

this house escaped any more lightly than other monasteries which were reduced, both within their walls and on their estates, to a mere handful of men.

In the agrarian rising of 1381, associated with the names of Wat Tyler, John Straw and John Ball, many causes contributed to the discontent of the peasants, but the harsh treatment of their serfs by ecclesiastical landlords was certainly one of them. The movement was mainly in the eastern counties, and Cheshire does not seem to have felt it much, beyond one outbreak which was promptly checked. This was directed against the abbot of Chester. On 23rd July 1381 the king's general proclamation against the unlawful risings and meetings of the people was read at the County Court of Cheshire, on the 27th July in the city, and on the Sunday following in the parish church of Eastham. Trouble was evidently looked for in Wirral, and in September a special order was sent out to the bailiffs of the Hundred. This stated that numbers of the serfs of the abbot of Chester were holding secret meetings in the woods, contrary to the proclamation, and that funds were being privately collected to promote their disputes with the abbot. All this was to be stopped and put down immediately. Notwithstanding, a large body of the abbot's serfs and others rose under arms and assembled at Lea-by-Backford, in breach of the peace and to the terror of both city and county, and to the destruction of the goods and chattels of the abbey. Many of the men were at once arrested by the sheriff and thrown into the Castle gaol, in charge of the constable, heavy bail being exacted before

any were released.¹ This prompt action seems to have quelled further local risings, but there can be no doubt about the disaffected condition of the Hundred, and the prior of Birkenhead will have been lucky if he escaped some measure of the unpopularity of the abbot of Chester. No materials exist to date the emancipation of his serfs, but the rising of 1381 did not effect this elsewhere, and the free tenant holding by a money rent in lieu of labour services must be looked for later on.

The extent of the monks' possessions in the immediate vicinity of the priory may be roughly indicated by modern points. We have seen that their foreshore to the Mersey ran round from Birkett (or Tranmere) Pool right up Wallasey Pool as far as the Pool Bridge. From thence, the approximate boundary ran from the Docks Station up to Flaybrick Hill, along the borders of Bidston and Oxton as far as St. Aidan's College, thence to Christ Church, and back along the stream which formed the boundary of Higher Tranmere to Tranmere Pool. The manor of Claughton no doubt originally included the whole of this area. Thus the priory held practically all modern Birkenhead except Oxton, Higher and Lower Tranmere and the part of Higher Bebington which is now within its extended limits.

In the general account of the ecclesiastical taxation drawn up in 1291, the only estates mentioned as temporal property of Birkenhead priory (its spiritualities, such as rectories and tithes, not being included) were those in Claughton and Moreton. In the former where a great deal of

¹ See the documents printed in Powell and Trevelyan, *The Peasants' Rising and the Lollards*, 1899, pp. 13-16.

the land would then be woods, waste and rough ground, the annual value of the area under cultivation (3 carucates) was thirty shillings, which was made up to £3 18s. 4d. by a small revenue from rents and the profits of a mill, the priory grange and the timber. In Moreton double the amount of land was being worked and was worth 3s. a carucate more, a total of £5 4s. 8d. from this estate including revenue from a windmill and a dovecote.¹ It is of interest to find that not many years ago the existence, in Moreton, of a pasture called "the Priory field" was pointed out and another was then known as "the Dove House yard" (and in 1607 "the Dovehouse land"), no doubt the site of the monks' *columbarium*.²

CLAUGHTON seems to have been part of the original twelfth-century endowment of the priory, and the lordship of the manor has descended through the successive owners of its dissolved property, the Worsleys, the Clivelands, the Prices and their successors. The priory grange, though in modern Birkenhead, has given its name to part of Claughton township and to Grange Road which led to it from the priory demesnes. Randle Holme, in his survey of Wirral 1668-1671³ mentions granges both in Claughton and Birkenhead, the latter possibly being the great barn which survived near the ruins of the priory until the 19th century. Some remnants of the Claughton grange existed until about sixty years ago.

¹ *Tax. Eccl.* 1291. p. 258b.

² Irvine, *Trans. Hist. Soc. Lancs. & Chesh.* xlv. 78.

³ Harl. MS. 2010, inaccurately printed in Mortimer's *Wirral*.

There are on record several disputes illustrating the priory holdings in and near Claughton. Some time early in the reign of Henry III Hugh Domville, the first recorded lord of Oxton and Brimstage, made a grant to the priory, in pious hope of prayers for the safety of his soul and those of his ancestors, especially that of his lord, Robert (Montalt) the steward of Cheshire. The property given was a dwelling house, with a *cultura* in Oxton called Knavenebrec, bounded by a stream on one side and a ditch on the other.¹ Probably these were on the borders of Oxton and Claughton and may well have given rise to some later litigation which took place in 1282, between the priory and Isobel, the lady of Oxton, and Roger de Domville her son, over their respective boundaries. As everyone was then busy with the Welsh wars of Edward I, a temporary arrangement was come to that the land in dispute should remain waste without either party making any attempt to bring it into cultivation, and that, in the meantime, each side should enjoy common of pasture there without any disturbance. The land in dispute lay between "Portstreet" and "Oxtonway," and extended between the town fields of Claughton and Oxton. Nothing further was to be done until peace was established between England and Wales when the prior was to arrange for a formal settlement of the boundaries by perambulation. The prior gave Isobel and Roger twenty shillings in silver for this agreement, which appears to have been finally carried out by a charter between the prior and Roger, determining the bounds between Claughton and Oxton to be from "Bottislowe" to "Swalewelowe" and from

¹ Chester Recog. Roll 273 m. 1d.



BIRKENHEAD PRIORY: CONJECTURAL DRAWING

BY SAM. J. M. BROWN, 1924, AFTER F. W. COX

thence by stones placed there in Lingdale to the "Raggedstone."¹

In 1305 the prior asked leave of Edward, prince of Wales and earl of Chester, to enclose, for cultivation, thirty acres of the heath within their grange of Claughton. This heath, which the prior said they held from Hamo Mascy in alms as of the foundation of the monastery, doing no service, was technically within the limits of the forest of Wirral though outside the covert which sheltered the game; and so the prince ordered the justice of Chester to ascertain, by enquiry, whether the enclosure would do any injury to the forest. This took place at Chester on Thursday after Ascension Day 1305. Twelve well-known local jurors decided that neither the interests of the earl of Chester nor of anyone else would be affected. The proposed enclosure was from a certain road which ran from the vill of Bidston as far as Birkenhead mill, and from the same road to the Pool of Wallasey, the land being worth 2d. an acre per annum.²

The common rights between the manors of Claughton and Bidston also gave rise to disputes, and in 1259 the priory was at variance with Sir Hamo de Mascy and some of his Bidston tenants over their common pastures, Sir Hamo having apparently denied the priory some of its rights

¹ Chester Recog. Roll 273 m. 1d. The witnesses to Roger's charter were Hamo de Mascy, Pat. de Heswall, Rog. de Mascy, Kts., James de Pulle, William Lancelyn, Hugh de Barnston, Rob. de Bebington, Fulk de Meols. This and the charter of Hugh de Donvilla, mentioned above, were enrolled on 17th Dec. 1605, at request of Thos. Powell Esq. (the lord of Claughton)

² Chester Plea Roll No. 16 m. 1d. The jury were Wm. de Stanley, Wm. Lancelyn, Hugh de Barnston, Fulk de Meols, Wm. Waleys, Wm. de Capenhurst, Rog. de Coghull, Wm. de Leghton, Rog. del Greves, Alan de Prenton, Rob. de Kenyon and Wm. de Trafford.

in Claughton. The prior, however, was successful in his claim.¹

In 1330, we find Robert the prior, and John Woodenot, his woodward, became involved in litigation with William de Lascelles and a number of other persons, who seem to have been the lords and tenants of Seacombe. The complaint was that the prior and his man had, on the 16th May 1330, at the "Mulne How" in Claughton, taken an anchor and a rope and kept them unjustly so that the complainants were losers to the amount of £5. The prior's answer was that he was lord of the town of Claughton in right of his church and that he found William and the other Seacombe men fastening the anchor and rope on his land at the "Mulne How" where they had no right of common, so he seized the anchor and rope as it was lawful for him to do. To this the reply was that they were lords of the town of Seacombe and had a right of passage (or ferry) for carrying men, horses and victuals, at will, in their boats across the Mersey, and that they were entitled to load and unload their boats and fasten the anchors at Wallasey Pool and between it and "Raynyldes" Pool, alike on the prior's land in Claughton as on their own land at Seacombe. They said that their ancestors, the tenants of Seacombe, had enjoyed these rights from time immemorial without question. The reply of the prior to this was that Claughton and Seacombe were of distinct lordships and had no right of common one with the other and that he had given no permission for his land to be so used. The

¹ Chester Plea Roll No. 1 m. 2d, 7. The prior's attornies were Rob. de Pulle, or Ric., a monk. The other plaintiffs with Mascy were Hugh, son of Rob. de Mascy, Rob. Colder, Adam le Cocsetere and Adam Karl.

local jury decided in favour of the prior, whereupon his opponents obtained a writ from the king's chancellor, ordering a record of the plea to be sent to London before midsummer 1332. What happened there is not recorded in the Cheshire roll.¹

The name of the hamlet or manor of WOOLTON or Wolveton in Claughton, which occurs in several of the priory records, is thought by Mr. Irvine to survive in "the Wooton Heys" on the border of Bidston, the name of some fields on either side of the Birkenhead Road just short of Bidston village. Mention of a grange at "Wolfeton" occurs in the forest roll of 1293-4, when complaint was made that the prior had broken up two acres of land there. The whole place, with a great part of the oaktrees, had been damaged by the erection of buildings and the grubbing and nibbling of the goats and swine kept by the prior and the lady of Bidston.²

At the dissolution the rents in Claughton produced £6 16s. 4d., including 2s. for "the Pole Hey," while the tenants of the manor of Woolton were paying £1 6s. 8d. Courts were held in 1536-7 by the steward, and in later years. In 1539 several heriots, payable after the death of tenants, were received. The property passed to Ralph Worsley.

The MORETON estates were probably part of the original Mascy endowment. We have mentioned the reference to them in 1291. In September 1351 Thomas the prior is found

¹ Chester Plea Roll No. 42 m. 1d, 4, 7, 8, The plaintiffs were William de Lascelles, Ric. del Hough junr., Ric. Sampson, John Corbyn, John and Wm. Hondeson of Secum, William Hondeson of Thornton, Gregory son of Rob. de Secum, Math. son of William de Secum and Philip de Claughton.

² Chester Forest Roll No. 1 m. 11.

complaining that John Lancelyn of Moreton had taken twelve of the prior's oxen at the Oldfield in Moreton. The case dragged on for some time but the prior eventually won.¹

In 1389 a jury of twenty-four men from the neighbourhood of Great Meols was summoned to Chester to enquire into an alleged false verdict, given in the eyre at Backford in October 1387, in a case of trespass between Roger, prior of Birkenhead and Richard Betonson of Meols. The prior had then appeared by Robert de Hondbrugge, one of the monks, and recovered 14s. from Betonson for having seized the prior's horse at Great Meols and put it into a bad enclosure (*injusta falda*) so that it died.² When the parties appeared in February 1389, several of the new jury who had been summoned were reported by the sheriff to be dead. The whole of the old jury whose verdict had been challenged appeared, but the sheriff still met with difficulties in collecting a new jury as three of those summoned were too ill to come.³ The case was probably settled.

¹ Chester Plea Roll No. 62 m. 23, No. 63 m. 1d, 5, 9d, 14.

² Chester Eyre Roll No. 6 m. 6.

³ Chester Plea Roll No. 92 m. 6d, 7, 11d. The following out of the jury appeared, Thos. del Hogh, Henry le Bruyn of Moreton, Rob. de Baumvill, Thos. de Seynesbury, William de Tranemole, Ralph de Eggerton, David del Malpas, John del Lee, John de Golburn, Patrick de Barton, John de Eton, Ric. de Herthull, Ughtred de Huxlegh, Wm. de Caurthyn, William le Belewe, Hugh le Brid of Chorleton, and Rand. de Cotgreve; added to these, William de Bulkylegh of Oteworth, William son of Rob. de Bulkylegh, Hugh le Brid of Broxton, Ric. le Bruyn of Aldreseye, Hugh le Smyth of Aldreseye, David de Eddelegh, David de Shokelache, and Hugh de Waverton. Ken' del Lee and Thomas del Broxon, summoned, were dead. The old jury who appeared: Rob. Gillessone, Thos. de Backford, John de Thingwall, Rob. de N....., Hy. Benet, John le Lytel, Rog. Hobbessone, Rog. Jackson, Ric. Hannessone, John de Kermyncham, Thos. le Maynwaryng and Rob. Tybbessone. Of the 24, John de Warwick, Thos. de Lauton, John de Tildeslegh, Rob. de Bebington and Vivian de Foxwist did not appear, but were alive.

A Moreton case of the early 15th century affords a good example of the delays of the law. In February 1416-17 John del Woode the prior complained that in September 1415, Henry Hobson of Little Neston and Thomas Brown of Wallasey, yeomen, lately bailiffs of the Hundred Court of Wirral, under pretence of their office, seized three of his beasts and a "stag" (or bullock) worth four marks, at Moreton. The bailiffs said the animals belonged to Robert Wolvesegh, who had stolen a sheep and had been outlawed, and so they took the animals. They refused to plead without directions from the king. After eight adjournments, the king's writ arrived in October 1417, ordering the justice to proceed as quickly as possible as the prior had complained of the loss caused by the delay. Even now, judgment was not to be given without the matter being referred back to the king. A jury was accordingly ordered for the next County Court but did not come, and the matter was deferred until April 1418. By this time the prior had evidently got tired of it and did not put in an appearance, the case being closed by the justice fining him 1s.¹

Thomas de Walegh, one of the monks of the priory, was charged in 1346 with beating and wounding Richard Jolibird at Moreton. The monk was fined five shillings. Jolibird, in spite of his name, appears to have been unpopular, as another man was also charged with assaulting him at Wallasey.² John and Robert Gregory, Henry Pik and John "Wilcokson Tumkynson" of Birkenhead, yeomen, lay in wait at Moreton

1 Chester Plea Roll No. 120 m. 29.

2 Chester Plea Roll No. 65 m. 1, 4, 6.

on Sunday the 31st May 1433, to maim and kill John Buxsee and John Wayte. They beat and wounded them and shot at them with arrows.¹

The rents of the priory estates at Moreton produced £9 6s. 8d. a year just after the dissolution.

One of the few priory charters which is on record is a grant to it, perhaps about the year 1310, by William de Hooton, of an annual rent of four shillings in the vill of TRANMERE, payable by Adam Starkey and his heirs, with all the service due from Adam to the grantor in respect of a third part of Tranmere.² The income from Tranmere after the dissolution included this four shillings rent and fourteen shillings more from divers tenants. In 1362 and for some years later, prior Roger was engaged in litigation with William of Tranmere, about the detention of three implements, called gorse hooks. Hamo de Mascy seems to have been involved in the matter and when he was summoned in 1365 he stated he could not plead because William of Tranmere, who knew all about it, was then in Gascony, in the service of the earl of Chester and had the usual protection granted for a year whilst abroad.³

The origin of the priory's holding in WALLASEY, and of its ownership of an appropriated mediety of the church there, is obscure. The latter must have been an early acquisition as the gift of the other (unappropriated) mediety

¹ Chester Indictment Roll No. 12 m. 26d.

² Chester Recognizance Roll 273 m. 1d. This deed was enrolled on 17th December 1605, at the request of Thomas Powell. The witnesses were, William Lancelyn, Robert de Poole, Bertram de Melis, H., William de Prenton, Robert de Bebington, William Walensis de Tranemol.

³ Chester Plea Rolls, No. 67 m. 114 and 120, No. 69 m. 5, 79, No. 71 m. 18, No. 72 m. 22d, No. 73 m. 5d.

to the abbey of Chester by William de Waleys, was confirmed by Richard, bishop of Coventry and Lichfield, who died in 1182.¹ The arrangements were curious, for the abbot presented all the rectors although he had only half the tithes, and is called "*persona medietatis ecclesie*." There is some doubtful evidence that, besides the parish church, the duties of which were performed by the abbot's rector, there was also a chapel (described as "Lees Kirk"), perhaps confined to the prior's tenants, and served by the nominee of the priory. The obscurity of this unusual division of a church into an appropriated and an unappropriated moiety held by different religious houses is not made clearer by the existence of a royal license, dated 12th April 1330, for the alienation by the abbey of Chester to the priory of a moiety of the church of Kirkby in Walye, and for the latter to appropriate it to their own uses.² There is no record at Lichfield that any such appropriation was ever sanctioned by the bishop, as it would have to be, and, though the acquisition of the whole of the church may have been aimed at by the prior, the license cannot have been acted upon, for at the dissolution of the monasteries the advowson was still held in the curious moieties of earlier days. The prior's moiety was then leased for a short time to Thomas Holcroft, but in January 1547 was granted, with the priory rectories of Backford and Bowdon, to the new see of Chester,³ which also obtained the abbot's moiety of Wallasey.

Evidence that the priory had interests in Wallasey besides the half advowson is afforded

¹ Tait, *Chartulary of Chester Abbey*, Nos. 595, 596.

² Patent Roll.

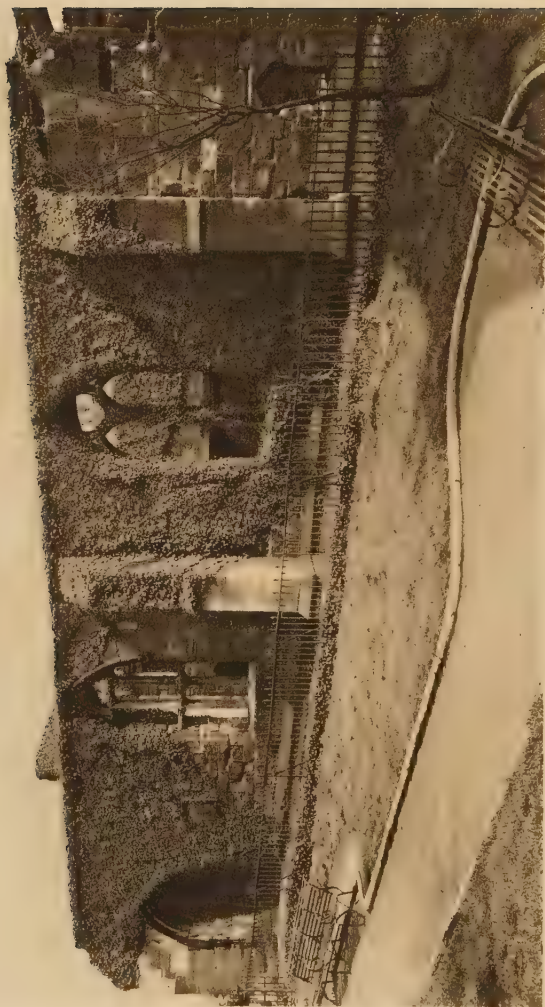
³ *Letters and Papers Henry VIII*, xiii p. 581, xxi (2), p. 413.

by a claim made in June 1297 by Mary, widow of Alan del Halle, against the prior (? Robert) and Alan's son, Robert, for her dower in two messuages and four bovates of land in Kyrkeby in Waleye. The prior seems to have called upon Robert, the son, to warrant him by five charters (not given) and the lady recovered her dower.¹ A socage holding of three messuages and seven bovates in Wallasey, under the priory, is traceable in the Meols family for many years,² and was worth 40s. in 1417, and £4 in 1594. The income from all the Wallasey property after the dissolution was £5 13s. 8d. per annum. A pound of wax was payable at the death of the tenants as a heriot. The chaplain celebrating at Wallasey was then in receipt of a pension of £2 6s. 8d. a year from the priory which also provided oil and cream. The accounts of the royal bailiff for 1536-7 show that seven shillings were paid for repairs to "the chancel of Walezy" from the priory income.

The priory possessed half the manor of BOWDON and the advowson of the church there. The date of the gift of the former is not on record, but the manor was in moieties in the reign of Henry III, and probably the donor was the founder. The advowson of Bowdon is generally supposed to have been first granted to the priory in 1278 by Hamo de Mascy, the fifth "baron" of Dunham, by a charter which also endowed the priory with half an acre in Dunham and an acre in "Goldcelocheker" or "Goldolescheker." In return for this, the priory admitted the donor, his ancestors and successors to all *beneficia* in the

¹ Chester Plea Roll No. 9 m. 6.

² Inq. p.m. 1417 of John de Meols; also 1527 and 1594; *Cheshire Sheaf* III vol. ii. 53; *Cal. Cheshire Recog. Rolls*.



BIRKENHEAD PRIORY: GUEST HALL, WEST ELEVATION

house of Birkenhead for ever. This charter has been pronounced¹ to be a forgery on grounds which do not appear to be sufficient. The description in it of the grantor as *Ego Hamo de Mascy filius et heres Hamonis quarti*, is certainly unusual, but there is otherwise nothing suspicious about its form or the names of the witnesses.² It contains, within it, a statement that it was enrolled in the Cheshire "Domesday" roll,³ which was extremely unlikely to have happened in the case of a forgery owing to the solemnity of the process. Moreover, that it was so enrolled is known by its extraction by a copyist from the "roll" itself. There are, however, circumstances which suggest that the priory may have had some interest in the advowson before the date of this charter, which in form might be either a confirmation or a release of the grantor's rights. Hamo, the fourth "baron," died sometime before 1272, and the custody of the heir Hamo (V) and of his lands was granted to James, lord Audley, the justiciar of Ireland who supported Henry III against his barons and Simon de Montfort. Audley died in 1272, having previously granted the wardship and marriage of the heir to Alice de Beauchamp. Between her and the prior of Birkenhead a dispute arose about 1274. The prior commenced a suit in the county court against her, claiming the presentation to the church of

¹ By Mr. Bird, *Genealogist* xvi (N.S.) 16.

² This deed is partly given by Ormerod and Dugdale but a better and fuller copy is in Shakerley MS. No. 4 f. 89 at Somerford Park, Congleton, and in Harl. MS. 2074 fo. 71 (174). Witnesses, lord Gunselin de Badelismere, justice of Chester, lord Symon then abbot of St. Werburgh of Chester, lords Urian de St. Pierre, Peter de Ardern, Patrick de Haselwall, Roger Domville, Geoffrey the clerk, Ric. de Massy, then sheriff of Cheshire, William Lanselin, Robert de Pulle, Bertram de Melis.

³ For an account of this roll, see *Eng. Hist. Review*, Oct. 1922.

Bowdon. The case (which has some important constitutional features for the County Palatine with which we are not here concerned) eventually came before the royal courts in October 1274, and later, and finally took the form of a claim by the king (acting during the minority of the heir) against the prior for the right of presentation. The royal advocate stated that a certain Hamo de Mascy, in the time of Henry III (no doubt Hamo III), had presented one William de Mascy, his clerk, to the church, and he was admitted and had died as parson. The prior's case was that one of his predecessors, Oliver (who was prior in and before 1216) had presented this parson. The jury decided that "Hamo, grandfather of Hamo the heir" had presented William, and the king recovered the presentation.¹ It will be observed that the existence at any rate of the priory in the time of Hamo III, the assumed founder, is indicated. The grounds for the prior's claim that one of his predecessors had presented to the church are unknown. Possibly it arose out of the ownership of half the manor and the claim points to some close connection with the church at Bowdon long before 1278. It seems likely that, upon coming of age, Hamo the fifth and last "baron" (who died about 1334) executed the charter of 1278 in order to settle the earlier dispute, and placed the priory securely in possession of the advowson.²

The Mascy family of Hale, who at one time were owners of the other half of the manor of

¹ Coram Rege Roll No. 11 m. 31d., No. 15 m. 1d., No. 17 m. 19; partly printed in *Abbrev. Placitorum* where Bowdon appears as "Bemby" and Birkenhead as "Kirkenhead."

² The bishop issued an "ordinacio" on 28th Dec. 1284, allocating the income and burdens of the advowson between the priory and the vicar. *Cheshire Sheaf*, iii, vol. xvii, 78.

Bowdon, gave the priory a good deal of trouble in the late fourteenth century. In July 1383 Thomas de Mascy, with Hugh de Artunstall, carried off the tithe corn, probably in a continuation of the dispute over the advowson in which they had no share. Then, in April 1397, Thomas, John and Richard, sons of Robert de Mascy, Edmund, son of Sir Robert de Mascy, and others, assaulted William de Preston, "holy watur clerk" of Bowdon church. The prior in right of his foundation had presented Richard del More, chaplain, of Weaver (in February 1396), in place of the vicar, Richard de Wever, recently deceased. More was duly instituted but on 3rd March the Mascies entered the vicarage and held it by force until Palm Sunday, threatening the prior and his new vicar that they should have no profit from the church unless they admitted as vicar Richard, son of Robert de Mascy. He was but 18 years old and could not hold the benefice. They also browbeat the prior's tenants and tried to make them quit their holdings.¹ These efforts to capture this rich vicarage for one of the family evidently did not prevail, and the result perhaps gave rise to the local proverb "Every man is not born to be Vicar of Bowdon," the reason for which Sir Peter Leycester confessed he could not affirm.

A Bowdon case² of June 1510, has some features of interest as regards the succession of the priors. It was a claim made by Hugh, the prior, against Sir William Booth of Dunham Kt.

¹ Chester Indictment Roll No. 8, m. 17, 53d, 54.

² Chester Plea Roll No. 212, m. 6, 71. Earlier leases of the church in 1454 by prior Ric. Norman, and in 1467 by prior Thos. Raynford, are on record among the Mascy deeds. (*Trans. Historic Soc. Lancs. and Ches.* XL 165 (Nos. W. 1, W.59, W.60). See also vol. XXXIX. 156. The lessees had to keep the chancel at Bowdon and the tithe barn at Hale in repair.

for trespass on the rectory lands in Bowdon and Dunham. Booth said that Thomas Tacy, lately the prior of Birkenhead, had let the rectory, with these lands, on 18th May 1487, to Hamo Mascy of Rixton, for 40 years, with a rent of £40 to the prior and 6s. to the rector of Wilmslow. Hamo died on 6th August 1503, and his executors transferred the lease on 6th January 1507-8 to Sir William and Robert Booth, chaplain, his brother. Afterwards, Thomas Tacy, the prior, died, and (according to the plea) was succeeded by the present prior, Hugh, who denied the lease. The case must have been compromised as it appears no more. The priory presented regularly till the dissolution when the rectory glebe and tithes, after being let for a time to Arthur Belfield for £50, were granted in 1547 to the bishop of Chester. The interest of the priory in the manor was also given to the cathedral church.

The date when the priory acquired the advowson of the church of St. Wilfred at DAVENHAM is unknown, but they did not retain it long, as in the thirteenth year of Edward I (1284-5) an agreement was recorded (in a claim of last presentation to the church) with Ralph de Vernon whereby in return for seventy marks the prior admitted Vernon's right to the advowson.¹

The date of the gift of BACKFORD church to the priory is likewise not known, but the Mascies were lords of the manor and doubtless one of them was the donor. The priory's presentations to the church are extant from 1305 to the dissolution. At that date the tithe barn, the tithes and a piece of land for a "riksted" were in lease for £12 13s. 4d. a year to Thomas Poole, son and heir of Sir William

¹ Shakerly MS. 4, fo. 95.

Poole, under a lease of 13th December 1534, for 36 years, and the vicar of Backford was being paid 20s. a year by the priory. The rectory was given to the see of Chester.

The church of BIDSTON was probably part of the original endowment by Hamo de Mascy. No list of institutions survives, and no doubt the priest was provided by the priory. At the dissolution a chaplain was receiving from the priory a pension of £6 13s. 4d. a year, with wine and wax. The rectory was let to Ralph Worsley at a rent of £13 6s. 8d., for a few years, but on 4th August 1541, it was given as part of the endowment of the new see of Chester.

In CHESTER the priory had only small interests. From some land in Fleshmonger's Lane, sold about 1267 to Ithel the tailor by Alan Whitemay, two shillings and three pence in silver was payable in rent to the House of St. James' of Birkenhead.¹ Sir Hugh Holes, about 1415, held property in Castle Lane under the priory,² which in 1513 was in the hands of William Troutbeck and worth 6s. a year.³ At the dissolution 4s. 6d. rent was being paid by John Porte.⁴

In the fourteenth century we find the priory held a burgage site in LIVERPOOL, probably between Bank Street (as Water Street was then called) and Chapel Street, and also several of the strips in the town-fields which usually accompanied a burgage holding.⁵ One of such strips was "the Prior's Hey," which lay in the "White-

¹ *Jour. Chester Arch. Soc.* 10 N.S. 28-9.

² *Cal. Ches. Recog. Rolls*, 37 Rep. Dep. Keeper 370.

³ *Ibid.* 39 Rep. 264.

⁴ *Min. Accts. Hy.* VIII, No. 409.

⁵ *Cal. of Moore Deeds* (Rec. Soc. lxxvii); Inquest of 1346 (Rec. Soc. lxxii 72.)

arth" (near the end of Love Lane), and upon the dissolution of the priory passed under that name through the hands of the Molyneux, Fazakerly and Crosse families.¹ The tenement in Water Street was no doubt the granary of the priory, the Liverpool store house for the produce of their holdings awaiting sale. It stood near the site of Colonial House. Sir Edward Moore in his account, written in 1668, of his Liverpool property,² referring to a house in Water Street tenanted by Jonathan Hunter, his ex-butler, says it had a great pair of stone stairs at the back, "this very house being formerly the granary belonging to the priory of Berket in Wirral, where such corn as they left unsold on the market days was carried up those back stairs of stone into an upper room and there lay till next market day." Hunter demolished the stairs to the annoyance of Moore who also relates that on the dissolution "the granary to Berket priory" had been sold by that very name and that his father, John Moore, eventually bought it. In the same transaction was included "the Pool House" (in South Castle St.) which Mr. Irvine conjectures was the ferry house of the priory on the Liverpool side of the river. It may well be also that the site of Cleveland Square was once held by the monks, as it was laid out by Mr. Price the successor of the Clevelands as owners of the priory estates across the river. A small rental was drawn in 1532 by the priory from some property in Chapel Street settled by Richard Tamworth of Great Neston.

In 1271 or 1272, Edmund, earl of Lancaster (the brother of Edward I) granted to the prior

¹ *Cheshire Sheaf* III Vol. xii. 9.

² Irvine, *Liverpool in King Charles II's time*, 43.

fifteen acres below the grange of NEWSHAM, formerly held of him by John Gernet, the rent being 5s. a year.¹ This estate may have augmented an earlier grant of 3 acres by Henry de Walton, given before 1212 for the soul of Henry II.² At the dissolution the priory possessed an income of 15s. per annum from their Newsham estates.

Another holding of some size lay in Smithdown and Wavertree. In 1337 Henry, earl of Lancaster, gave the priory twenty-six acres of waste near the former and ten acres in the latter, in exchange for a release of the prior's right to common of pasture in the earl's wastes between Tunbrook, Stanbrook and the White Moss. The monks were however to be allowed a reasonable quantity of turves in Smithdown Moss for their "manor" of Moss Grange.³

Among the Lancashire endowments outside Liverpool we find the priory holding land from the thirteenth century to the dissolution at MELLING⁴ (donor and date unknown). At WARRINGTON the prior appears as a homager of the lord of the town about 1332,⁵ and at the dissolution the priory held 3d. of rent there.

Among the very earliest priory records are two charters by Robert, prior of Birkenhead, probably of the last decade of the twelfth century, evidencing the ownership of land at BURNDEN,

¹ This charter was inspected by Ed. II on 27th February 1325-6 (Pat. Roll). Edmund's charter is there dated at Liverpool on Tues. after St. Giles' day, 1271, but refers to Henry III as of famous record, so the date may be after Nov. 1272. The witnesses were, William le Botiler, Rob. Banastre, Hy. de Lee, Rob. de Holand and Benedict Gernet, Kts., John Gernet, Ric. de Holand.

² *V.C.H. Lancs.* iii. 24.

³ *V.C.H. Lancs.* iii. 14n.

⁴ *Ibid.* iii. 209.

⁵ *Ibid.* iii. 321.

part of Great Lever, in Middleton. How the priory acquired or lost its endowment there, is unknown, but the earl of Chester as a possible benefactor, in view of his possessions between the Ribble and Mersey, must not be forgotten. The grants by the prior were to Gervase and Robert, sons of Robert, chaplain of the church of St. Mary at Deane, and to one Siward, the lands to be held under the priory at sixpenny rents.¹ A witness to one of them was "Master Alexander" who had been the tutor of Randle III, earl of Chester, and had acquired the manor of Storeton in Wirral on his marriage, before 1181, with the daughter and heiress of the forester of Wirral.

The wardenship of an institution for the sick and infirm should strictly, perhaps, not be included in a chapter dealing with the property and the assets of the priory. The custody of the HOSPITAL OF ST. JOHN, outside the Northgate of Chester, partook more of the nature of a pious liability. Still it seems to have been intended to benefit the monks spiritually, if not materially, and so it shall be mentioned here. The Hospital had been founded by Randle, earl of Chester, between 1188 and 1199, when styling himself, in right of his first wife, duke of Brittany and earl of Richmond, and the later royal earls of Chester continued the patronage. Edward I confirmed the Hospital's privileges and endowments, but successive wardens, during his and his father's

¹ Lever Chart. (Add. MS. 32103) No. 1 (f. 4), No. 207 (f. 52), epitomised in V.C.H. v. 186n, 238n. The witnesses to Siward's charter are given as Henry, parson of Boyeton, (for Bothelton-Bolton), R. his son, A. chaplain of Wigan, Thomas, parson of Dene, Rog. de Heton, Ric. de Lostoc, and William, clerk of Wigan; those to Gervase's charter, Master Alex. de Storeton, Bertram the chamberlain (of Chester), Alan de Waleia, Henry, parson of Bothelton, Maran, priest of Manchester, and David, priest of Eccles.



BIRKENHEAD PRIORY: GUEST HALL AND PRIOR'S LODGING

reigns, unwisely alienated most of its properties in consideration of small perpetual rents of fixed amounts. This fatal policy, leading to ruin as values rose, had so impoverished the Hospital and restricted its operations that in February 1315-16, the earl ordered his justice of Chester to hold a public inquiry, in the presence of the warden, Thomas de Burton, to decide whether the Hospital should be given to the priory of Birkenhead so that the monks should be responsible for finding the chaplains, the necessities of life and alms for the weak and infirm, as in times past. A jury of 24 from city and county approved of the transfer to the priory. They said there ought to be three chaplains, two to celebrate within the Hospital church, and one in the chapel in the presence of the inmates. A lamp should be kept lighted at Mass, and burn at night all the year round. The number of the sick and infirm (who should be drawn exclusively from the city) had varied, but eighteen beds had been kept ready.¹ A later report stated each inmate should receive daily one good loaf, a large dish of potage, half a gallon of competent ale and a piece of fish or meat.² The wardenship was accordingly granted by the earl to the priory on 31st March 1316, in honour of God, the Virgin, and St. James, and at the request of the king his father, in augmentation of the divine service and the maintenance of the monks serving God at Birkenhead for ever. They were to carry on all usual services and almsgiving.³

¹ Chester Plea Roll No. 29 m. 19d.

² Morris, *Chester*, 155.

³ Confirmed on 18th June 1316, by Edward II. (Pat. Roll). The earl's grant, at Langley, was witnessed by Thos. earl of Lancaster, John de Crumbewell, steward of the king's household, Rob. de Holand, Rob. fitz Nigel, Ric. Lovel, Warin de Lisle, Rob. de Kendal, Wm. de la Beche, knights.

A personal letter from the king to the earl on 24th September shows that the prior, on taking up his duties, had found the properties largely alienated as we have mentioned above. Enquiry followed,¹ but it is doubtful if anything much was, or could have been, done. A little of the property seems to have been recovered but by 1341 things were as bad as ever again, the buildings were not properly maintained and two houses had actually fallen down from age and lack of repair.² The priory, burdened with a heritage of mismanagement, and lacking the means to remedy it, must have had the wardenship taken from it shortly afterwards, and the Hospital's later records do not seem again to mention Birkenhead.³

¹ Chester Plea Roll No. 29 m. 28d.

² *Ibid.* No. 47 m. 7, 9d. No. 52 m. 19, 21, No. 53 m. 3.

³ e.g. Chester Recog. Roll 1-2 Hy. IV, No. 74 m. 8, 13d.; Harl. MSS. 2057, f. 131, 159d., 161, 162; 1989 f. 72, 74d; 2159 f. 99d, 100, 100d, 101d, 103d, &c. Nearly all the Chester historians have been misled by Randle Holme into saying the corporation of Chester complained to the *Prior of Birkenhead*, temp. Henry VIII, about the Hospital. The letter (2nd June —) was to the *Master*, Robert Jones, who is incorrectly described by Holme in the margin of the MS. as prior of Birkenhead (Harl. MS. 2057 f. 161.) The priory had had nothing to do with the Hospital for nearly two hundred years and the Masters were not appointed by it.

CHAPTER VI

THE PRIORS

BEFORE giving a list of the priors, it will not be out of place to insert here one or two documents and notes relating to the internal affairs and organisation of the priory. The following "decree," directed by the Bishop of Coventry and Lichfield to the priory in 1348, is of value and interest from several points of view, and gives an all too rare glimpse of troubles which arose in the inner workings of a religious house:—

DECRETUM DE BIRKHEVED.

"Roger etc. to the prior and brethren of Birkheved. On Saturday 4 Kal. July (28th June) 1348, at our visitation of your house, we found certain matters in need of correction.

1. Silence in the places appointed for it is frequently interrupted, contrary to the observance of the rule, and oftentimes not preserved. We therefore ordain, in virtue of holy obedience, that silence be observed in the church, refectory, dormitory and cloister at the due times, and that transgressors may be compelled thereto by disciplines according to the rule (*disciplinis regularibus*) that their correction may be a warning to others.

2. It is very important that the state of the house (*status domus*) be made known to each of the brethren and that what touches all be approved by all. We ordain that in all communal and difficult matters of business (*negotiis communibus et arduis*) such as sales, grants, alienations and the like, the

counsel of the brethren shall (as the rule ordains) henceforth be required, and that those who wish to give counsel (*conferre*) be heard kindly and meekly. Further we enjoin that anyone, on being required to do so, shall not delay to give his best advice, as God has given him discretion, for the benefit of the house in such affairs ; for they should remember that those things are more sure and more useful which are fortified by the advice of the most.

3. You, the prior, in virtue of obedience and under canonical penalties upon yourself should you be remiss (which God forbid), we command to proceed manfully (*viriliter insistas*) with the advice of your brethren and with all possible speed in the repair of the priory houses and most especially in the roofing of the conventual church, cloister etc., which are very faulty, lest they fall into ruin by your default and idleness.

4. That the evil suspicion which has often sprung up concerning certain administrators of the goods of the house be removed and future dangers of the kind be prevented, we ordain that all such obedientiaries, whatever title they may bear—of whom, considering the small number of the brethren, we will that only the cellarer or sacrist be deputed to assist the prior—shall render each year a full and faithful account of their administrations before the whole chapter, or at least before the more prudent deputed thereto, under pain of suspension from their office.

5. We ordain that a fit and honest secular clerk shall within a month of the receipt of this our decree be specially deputed by you the prior (you having hitherto been negligent in the matter), to serve in the church at the hours both of the day and the night (*horis diurnis pariter et nocturnis*) and

that a lamp be kept burning by day as well as by night in the church as it used to be of old, a thing which has been lacking in the nights for a long time and that not without great danger of body and reproach and scandal to religion.

6. We also exhort you the prior, in the Lord and as under obedience, that you treat your brethren with charity, without which no pacifying sacrifice can be offered to God, and with brotherly love more kindly than usual, not persecuting any of them out of hatred or doing anything of that kind ; so that they may be glad to be subject to you and recognise that they are making progress under your rule, remembering that you and they are joined together as one body by the monastic calling (*professio regularis*)."¹

The following licence for the subprior to hear confessions appears to mark some special occasion or object, but there is nothing showing the reason for it. Mr. Brownbill suggests that it may have had something to do with proceedings against the Lollards. To hear confessions of persons outside a religious house was the right and duty of the parish priest. The friars had broken into this custom, but a monk, as such, could only take confessions within his house, unless special authority extended his power:—

At Eccleshall, 2 December 1409, the bishop gave licence to brother John de le Hull, subprior of Byrkehevede, to hear the confessions of any of the bishop's subjects in the archdeaconry of Chester, and to enjoin salutary penances for sins committed and to absolve them in the form of the church, even in reserved cases ; injuries, violence or offences against the bishop or his cathedral churches, taking venison in his chaces, parks or warrens, fishing in

¹ Lichfield Act Book 3 f. 114.

his pools, brooks or stews, abstracting goods from his manorhouses or other places against his will or that of the keepers, committing homicide, striking clerks if serious wounding or shedding of blood ensues, perjury in assizes and inquests where death, disinheritance or the barring of any man's right may follow, violations of nuns, and the disposal of the restitution of goods damaged or taken away being (nevertheless) reserved to the bishop ; available until the completion of one year.¹

In 1448 a papal indult was granted to the prior that he and his monks (with his consent) might choose a priest to hear their confessions and give absolution, except in cases reserved to the apostolic see.²

The prior of Birkenhead and abbot of Chester were present at the general chapter of Benedictines at Northampton in 1225. The prior was summoned to attend the chapter of 1343. He had failed to attend that of 1340 and with the prior of (Up)holland was pronounced contumacious.³

There are several documents which testify to the transaction of business matters in the chapter house. The two Burnden charters, which seem to be the earliest extant deeds of the priory, are both expressed to be made with the consent of the chapter.⁴ On Wednesday, Michaelmas Day, 1283, the chapter authorised the execution of a document which was counter-sealed also for greater security by the bishop of Bath and Wells, the chancellor of England, and enrolled on the Close Roll. This was a grant by prior Robert and the

¹ Lichfield Act Book 7 & 8, f. 200d.

² Cal. Papal Reg. x, 303.

³ Reyner, *Apostolatus Benedictinorum in Anglia*, 1626, App. 98, 105.

⁴ *Ante* p. 72 n.

convent to William de Hamilton, canon of Wells, of the very large life pension of 70 marks (£46 13s. 4d.) a year in return for his services, the prior and Geoffrey of Cheadle acknowledging on behalf of Hamo de Mascy an additional indebtedness of 17 marks. The pension was to be paid at the abbey of Crokesden and the prior had to appear at the royal chancery to acknowledge the transaction. Default seems to have been made in payment and in 1289 62 marks was owing, but in that year, probably on account of the inability of the monastery to pay, the pension was formally remitted and the deeds cancelled.¹ In Hamilton we may recognise the ecclesiastic so often entrusted with the custody of the great seal of England, who, after acting as vice, himself became the chancellor. The nature of the services done by him for the priory is not on record but no doubt he had obtained some advantage for the monks by virtue of his official position.

On 6 June 1345, at a full chapter meeting in the priory, a charter was sealed by prior Henry de Becheton and the convent, giving to Richard de Wolveston, clerk, "our chosen in Christ" an annual rent of 5 marks (£3 6s. 8d.) for life charged upon all the priory's local property. At the time this deed was enrolled on the plea roll the prior acknowledged a personal indebtedness to Richard of the large sum of 200 marks, and in 1353 the next prior, Thomas, admitted a debt of one hundred marks.² In 1344 Richard de Wolveston was keeper of the Hospital of St. John at Chester of which the priory were wardens for a short period,

¹ Close Roll 1283, 1289.

² Chester Plea Roll No. 56 m. 18; No. 64 m. 17. The charter was dated *Apud Birkheved in pleno loci nostri capitulo*.

and he was afterwards instituted as parson at Ros-therne but vacated almost immediately.

That the priory had only small means seems an inference which we may draw from the above and also a record of indebtedness by the prior, dating from 1287, of 34 marks to Ralph de Hengham. As the money was not repaid the prior's goods to the value of $13\frac{1}{2}$ marks had been seized by the justice of Chester, and in 1309 his successor reported that he had taken further goods to the value of £5 but that there was nothing more upon which distraint could be levied.¹ Hengham was the famous and notorious ecclesiastic who attained to the highest judicial positions and was fined the enormous sum of 8,000 marks for gross perversions of justice. Hengham occasionally sat in the Palatine court to assist the justice of Chester. One wonders how the prior of Birkenhead got into his hands.

THE SEAL AND ARMS

The seal² of the priory was of vesica shape, and contained the figure of the patron Saint James (the Great), standing under a gothic canopy. He wears the pilgrim's hat and cloak and carries a wallet at his left side. In the left hand he holds a clasped Book of the Gospels across his breast, and his right hand grasps a pilgrim's staff. The ground work is diapered or fretted with rosettes. Beneath the Saint a kneeling figure under a canopy

¹ Close Roll 1287, Chester Plea Roll No. 22 m. 47d.

² See *Trans. Hist. Soc. Lancs. and Ches.* xxxix, 156, xl. 166-7, deeds Nos. W. 51, W. 60, xlii plate, page 154; *Dug. Mon.* (1823) iv, plate xxiii; There are rough sketches by R. Holme in Harl. MS. 2153 f. 188 (121) and 2074 f. 135 (232). The seal he copied was attached to a bond, dated 1390-1, by Roger the prior to Sir Nic. de Audley. I have not given a drawing of the seal because there is no satisfactory specimen of the kneeling figure.



B RKENHEAD PRIORY
FIREPLACE N GUEST HALL

possibly represents the founder. The legend surrounding the seal was :—

S. COMMVNE PRIORATVS SCI. IACOBI
DE BIRKENEVED IN COM. CESTRI [E].

In a window¹ on the north side of Bowdon church, inserted in 1530 by John Sharpe, the last prior of Birkenhead, and also in the roof of the north aisle, were the armorial bearings of the priory, namely, the arms of the founder, Mascy of Dunham (quarterly, red and gold, in the first quarter a silver lion passant) and over them, in pale, what has been described as a silver crozier, crook turned to sinister. A crozier was used by abbots and priors as a symbol of spiritual authority but in this case we must not forget the pilgrim's staff of Saint James the patron saint.

The following are some ordinations from the priory which occur in the Lichfield Act Books :—

Rand. de Thorald, as deacon September 1310, and
16 October 1310 admitted vicar of Bowdon.

Wm. de Eccleshall, as deacon 1314, as priest
1315.

John de Cestr., as priest 1315.

Samson Goldyng, monk of Birkenhead, as sub-
deacon 1419.

Henry Marton, monk of Birkenhead, as sub-
deacon 21 May 1429, as deacon 24 Sept.

Hugh Gregory, *Peter Urmeston*, monks of Bir-
kenhead, as acolytes 12 March 1434-5,
as priests 24 September 1440.

Roger Aleyn, O.S.B., Birkenhead, as acolyte
14 March 1488-9, as subdeacon 6
March 1489-90, as deacon 5 June 1490.

¹ The inscription was "Orate pro bono statu Johannis Sharpe prioris de Birkenhed qui istam fenestram fieri fecit anno domini MCCCCXXX°" (Harl. MS. 2151, Ormerod, *Cheshire* i. 518).

Ric. Rachdale, O.S.B., Birkenhead, as subdeacon 23 September 1475, as priest 21 September 1476.

Wm. Tillesley, O.S.B., Birkenhead, as acolyte 18 September 1501.

THE PRIORS

The priors of Birkenhead seem usually to have been monks of the house, though in one case (Hamo Bostock) the prior of St. Werburgh's abbey at Chester was installed. No outstanding names occur in the list and probably in local status and influence they were overshadowed by the greater Benedictine house at Chester. As evidence of their burials in the chapter house, only one identifiable tombstone survives. It is that of prior Thomas Rainford. The stone was dug up about 1818, and, according to Mortimer,¹ three well-preserved skeletons were found beneath it. The slab was then inserted in the external wall of the chapter house, but in the reparation work of 1896 was removed to the interior and set with cement in a wooden frame work.² It was again removed during the renovation of the chapter house in 1913 and is now set in the floor at the east end. The (extended) inscription on the edges of the four sides seems to have been as follows. Some portions and letters have recently been 'restored'

“✠ Hic jacet | Thomas Rayneford quondam
bonus prior huius | loci qui obiit viii^o | Maii anno
domini m^{mo} cccclxxiii^o cuius anime | propicietur
Deus.”

“Here lieth Thomas Rayneford a former
worthy Prior of this House who died on the 8th

¹ *Hist. of Wirral*, 315 n.

² *Trans. Hist. Soc. Lancs. & Chesh.* lv. 112.

³ Compare the present state with the photograph, taken before 1897, in *Jour. Chester Arch Soc.*, vol. xvii. N.S. p. 135.

of May, in the year of our Lord 1473. May God be gracious to his soul! ”

The following free version of a papal dispensation granted on 25th October 1435¹ to Richard Norman, a monk of St. James', Birkenhead appeared not many years ago under the initials “ J.A.T.”²

“ It appears that.....a priest and a member of the religious order of the Austin Friars took into his service a lad of fourteen named Richard Norman. The boy's conduct was unsatisfactory. So, at least, it would seem from the fact that one evening, exasperated beyond measure, the priest in question, after violently upbraiding young Norman, ended by losing his temper and drawing a knife, with which he severely wounded the culprit about the head. The sight of the blood, as it is said often happens, instead of calming him, only served to excite his anger still further, and he again made for the offender with the intention of repeating the blow. Seeing no way of escape from the small room in which they were, the boy, in fear of his life, drew, in self-defence, his own knife, which he carried for cutting his victuals, and, in the attempt to ward off the renewed attack, he accidentally stabbed his master in the neck, with the result that the wound proved fatal in a few days. The evidence does not show whether the youthful murderer sought sanctuary, or whether he already wore the tonsure and could claim “ benefit of clergy.” At all events, by laying violent hands on a priest he had committed a sacrilegious crime, from which the Pope alone could absolve him, and accordingly he journeyed to Rome in the garb of a pilgrim, obtained absolution, and duly performed the penance imposed upon him.

¹ *Cal. Papal Registers* viii, 543.

² *Liverpool Daily Post*, 1 Dec. 1906.

Even so, remorse continued to pursue him, and he at length sought peace by utterly abandoning the world and taking refuge in prayer and penance as a Benedictine monk of Birkenhead priory. There he was ordained and exercised the office of a priest, and lived an exemplary life for several years. Yet still his conscience troubled him. He had, it must be supposed, neglected or perhaps failed, to obtain from the Pope a dispensation to be ordained, so that his position was ecclesiastically irregular. He therefore addressed to the Pope a petition setting forth his unhappy story, and the Pope, moved by his penitent and laudable life in the priory, not only dispensed him on account of the irregularity which he had contracted by ministering in the priestly orders to which he had been illicitly promoted, and rehabilitated him, but also dispensed him to minister in his holy orders and hold any such benefices, with cure of souls or without, as were wont to be held by the monks of his order, and dispensed him, furthermore, to be eligible to any of its dignities, even that of abbot."

The writer of the above was probably not aware that Norman in fact rose to hold the dignity of prior of Birkenhead.

A satisfactory list of the priors cannot be compiled for the first hundred years of the priory's existence, in the absence of evidence. From the 14th century the list is probably complete. The Lichfield Episcopal Registers have been examined afresh.

Date of occurrence or

appointment.

Name of Prior.

c. 1190

ROBERT.

to after

1206.

Occurs as grantor in one Burnden charter, and as "R" in another (p. 71);

also as " R " in a Chester charter (*four. Chester Arch. Soc.* 10 N. S. 16) and as " Robert," a witness to a Stanlaw charter (*Whalley Coucher* iii. 828) of a date after 1206 when the grantor married.

c. 1216. OLIVER.

The prior of 1357 stated that Oliver was prior at the date (c.1216) of the charter of liberties granted to the " barons " of Cheshire by Randle, earl of Chester (Chester Forest Roll No. 6 m. 10d.) Sir P. Leycester had found Oliver as prior *temp.* John.¹ (*Antiq.* 241).

1283

ROBERT.

Sept.

(Close Roll 12 October, 1283.)

c. 1300. WILLIAM DE WALEY.

Occurs as prior in several early 14th century charters of land in Poulton in Wallasey, other witnesses or parties being William son of Gregory de Waleya, Rob. de Waley, Bertram de Meols, Sir Rob. Lancelyn, Wm. de Deresbury, William Lancelyn, Wm. de Hooton, Rob. de Pulle (ex. inf. W. F. Irvine).

HUGH DE ASTON.(?)

According to Leycester (Orm. i. 721), Hugh, son of Ric. Aston of Aston, *temp.* Ed. i and ii, was prior, but no evidence has appeared.

Before

ROBERT de BECHETON or
BECHINGTON.

1321.

He occurs as prior from 14-15 Edward

¹ By the kindness of Mr. C. Leicester Warren, I found the deeds referred to on fo. 252v of Sir Peter's " Liber C " at Tabley House. He had copied them in 1664 from Lord Delamere's deeds (at Dunham Massy). See *Cheshire Sheaf* 1923.

II and may be the same as Robert Milington who, according to Leycester, (Orm. i. 518) giving no authority, was prior of Birkenhead and was commemorated in a window erected in 1328 in Bowdon Church. Robert de Becheton died about 1339 when his successor was appointed.

c. 1339. JAMES de NESTON.

A monk of Birkenhead. Elected by the subprior and convent as prior but immediately resigned (see below).

1339. HENRY de BECHETON or BECHINGTON.

A monk of Birkenhead. On the resignation of James de Neston, the priory submitted the election of a prior to the bishop, suggesting Henry's name, and he was appointed on 25th April 1339 (Lichfield Act Book 2. f. 113). The last mention noticed of him as prior is in July 1348 (Ches. Plea Roll 62 m. 23, Eyre Roll 3), and he may have fallen a victim to the Black Death.

c. 1350. THOMAS de TIDDESBURY or DIDSBURY.

Occurs as prior from 6th November 1350 to 1357 (Ches. Plea and Forest Rolls).

Before 1362. ROGER de TIDDESBURY or DIDSBURY.

Occurs as prior 1362 to 1400 (Cheshire Plea Rolls).

Circa 1400. ROBERT de HONBRUGGE.

Occurs as prior from 1401, and in 1407

as successor of Roger de Didsbury (Cheshire Plea Rolls).

1408
20th
Dec.

JOHN WOOD or DEL WODE.

A monk of Birkenhead, O.S.B., appointed prior on death of brother Robert de Honbrygg, the election having been duly and canonically made. (Lichfield Act Book 7 and 8, fo. 97). On 6th October, 1401, he had obtained a dispensation for illegitimacy, so that he could be elected to any dignity or office in his order, even if elective and if one dignity be abbatial. (*Cal. Papal Registers* V. 416). He was alive apparently early in 1425.

1425.

ROBERT de URMSTON.

Appointment not in Lichfield Act Books. He occurs 9th January 1424-5 as a monk, under prior John Wood, and as prior 27th March 1425 (Cheshire Plea Roll No. 129, m. 20, 24d.)

1435.

HAMON BOSTOCK.

At Nantwich, on 21st May 1435, Thos. Chesterfield, canon of Lichfield, bishop's commissary, confirmed the appointment of brother Hamon Bostock, O.S.B., prior of St. Werburgh's abbey, Chester, elected as prior by the subprior and convent of Birkenhead after the death of Robert de Urmston; the archdeacon or official (of Chester) to instal him according to custom (Lichfield Act Book 9 fo. 122d.) He is named as prior in September 1439 (Ches. Plea Roll 144, m. 2d., 8, 13, 19).

Circa RICHARD NORMAN.

1440 A monk of Birkenhead, ordained sub-deacon 18th September 1423 (?), deacon 18th December and priest 18th March same year (Act Book 9). His appointment as prior not in Act Books, but he is named as such in November 1441 (Cheshire Plea Roll 147, m. 12). For his dispensation of 1435 see p. 83.

1456, HUGH BONER.

1st April. A monk of Birkenhead, ordained sub-deacon 18th September 1423, deacon 2nd June and priest 22nd September 1425 (Act Books). Subprior of Birkenhead. On 19th March 1455-6, the bishop of Lichfield notified Thos. Raynford, monk of the priory or conventual church of St. James, Birkenhead, that on the death of Ric. Norman, Boner, a man prudent and discreet in matters both spiritual and temporal, had been elected prior by the monks. Clandestine elections, and still more, clandestine confirmations being condemned, Raynford was to notify all concerned to appear at St. John's, Chester, on 1st April, before Mr. John Clone, canon, the bishop's deputy, when the election would be publicly confirmed if there was no canonical objection. This notice to be given in the priory church and a certificate thereof sent to the deputy. On 1st April 1456, John Clone, Decr. Bacc., certified that no opponent or obstacle appeared and that he had confirmed the election and ordered the



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AND DOORWAY TO CLOISTER

archdeacon to instal. (Act Book 11 f. 39d., 40). Boner seems to have died before January 1461-2 when the *sub-prior* and convent presented to Backford. (Act Book 12 f. 100).

1462 THOMAS REYNFORTH or
30th April. RAINFORD.

A monk of Birkenhead. His election as prior was confirmed by the bishop's vicargeneral on 30th April 1462 (Act Book 12 f. 100d.) He died May 1473. For his tombstone see p. 82.

Circa HUGH GARDENER.

1473. No appointment in Act Books. Stated to have resigned in favour of Thomas Chester the next prior.

1486. THOMAS CHESTER *alias* Tacy, Tascy,
21st or Tassy.

August. A monk of Birkenhead. His election as prior confirmed at Warrington, 21st August 1486, before Mr. Humphrey Hawarden LL.D., vacancy on resignation of Hugh Gardener last prior (Act Book 12 f. 120d.) He is called Thomas Tascy of Claughton, clerk, otherwise prior of Birkenhead, in 1490-1 (Ches. Plea Roll 191 m. 13d. etc.), and occurs as prior in July 1499 (Ches. Recog. Roll 169 m. 3 (2)).

1499, NICHOLAS TASSY or Stace.

18th A monk of Birkenhead, O.S.B., ordained
September. acolyte 20th December 1488 (Act Book 12 f. 241d.) His election as prior confirmed at Chester, 18th September 1499, vacancy on death of Thos. Chester last prior ; the archdeacon to instal *juxta*

modum et formam preteriti temporis (Act Book 13. f. 233). He occurs as prior in July 1508 (Ches. Plea Roll 210 m. 8.)

circa

HUGH HYNE.

1509.

A monk of Birkenhead, O.S.B., ordained acolyte 18th September 1501 (Act Book 13 f. 296d.) The confirmation of his election as prior (entered with an incomplete year, 15—) after the death of Nic. Tassy last prior, took place in the chapter house. (Act Book 14 f. 57d.) He occurs as prior in a plea of October 1509 (Cheshire Plea Roll 211 m. 16d.) and in another of 4th June 1510 (*ibid* 212 m. 6).

? 1519. JOHN SHARPE.

A monk of Birkenhead. The confirmation at Lichfield of his election as prior, after the death of Hugh Hyne, last prior, is twice entered in the Act Book 14, ff. 56 and 59, the date in one case being 21st July, and in the other 22nd July, of a year which looks like 1519 but might be 1514. He was in office at the dissolution and was pensioned. For a window erected by him see p. 81.

CHAPTER VII

THE DISSOLUTION AND AFTER

THE dissolution of the monasteries was looming during the first six months of 1535 when a general survey of religious houses was made under an Act of 1534 which appropriated to the Crown a year's revenue on the occasion of all future institutions to abbeys and priories, and an annual tenth of their income. This survey¹ is of interest as it shows us the financial position, and a little of the external organisation, of the priory before the decision was finally taken to suppress the monasteries. The tax of one tenth was to be calculated upon the aggregate of the temporal and spiritual revenue, less the salaries of the lay staff employed in collecting it, ground rents, compulsory pensions, and so on. Alms which had to be paid annually and perpetually in compliance with the terms of the foundation or of the will of a benefactor, could also be deducted as they were not to be taxed, but purely voluntary charity could not be taken into account. The temporal revenue of Birkenhead from its rents, etc., is given as £19 19s. 3d.,² and the spiritualities (tithes and income from advowsons) amounted to £82 17s. 6½d.,³ a total of £102

¹ *Valor. Ecc.* (Rec. Comm.) vol. v. 212. The names of the seventeen Cheshire commissioners appointed on 30 Jan. 1535, are given in *Letters and Papers Henry VIII.* v. 51. The report on the priory was made by Sir Wm. Stanley, John Birkenhead and Ottiwell Worsley (*Valor, loc. cit.*)

² In Cheshire—Birket Grange and demesnes, the watermill and ferry boat £9. Moreton £3 4s. 5d. Cloughton £5 os. 4d. Tranmere 17s. Heswall 3s. 4d. Barnston 8d. Overbebington 4d. Saughall 11s. Upton 3s. Dunham 4s. In Lancashire—Warrington 3d. Newsham 8s. 3d. Liverpool 4s. 2d. Melling 2s. 6d.

³ Bowdon £45 7s. 6d. Wallasey £14 3s. 8½d. Bidston £10 19s. 8d. Backford £12 6s. 8d.

16s. 9½d. Deductible payments¹ reduced this to just over £91, the tenth being thus about £9. It is noticeable that no compulsory alms were payable by Birkenhead. This was also the case at Vale Royal abbey, though the abbot of Chester was allowed to deduct £14 on this score, the nuns of Chester £10 3s. od., Combermere abbey £12 13s. 4d., and Norton priory as much as £29.

Randle Poole, the lay steward of Birkenhead, and the local receiver of rents, had each a salary of £2 a year, and there were bailiffs at Bowdon, Wallasey, Cloughton with Moreton, and in Lancashire, a total of £8 3s. 4d. to the lay staff contrasting with £31 paid to similar officials by Chester abbey.

The following table² shows the position of some of the local religious houses as revealed in this survey:—

	Gross spiritual and temporal income			Gross Temporal income			Net income for the tenth.		
Birkenhead Priory—	£	s.	d.	£	s.	d.	£	s.	d.
	102	16	9½	19	19	3	91	2	11½
The Nunnery of Chester—									
	99	16	2	74	6	2	66	18	4
Chester Abbey—									
	1104	14	2½	751	9	1½	1030	5	6
Combermere Abbey—									
	258	6	6	181	2	10	225	9	7
Norton Priory—									
	258	12	8	113	3	8	180	7	6½
Vale Royal Abbey—									
	540	6	2	239	1	9	518	19	8

¹ Crown rent at Newsham 10s., steward's, receiver's, and bailiffs fees £8 3s. 4d., pension to rector of "Trafford" 16s., to vicar of Backford 20s., procurations and synodals to the archdeacon £1 4s. 6d.

² Taken from Savine, *English Monasteries on eve of dissolution* (Oxford Studies in Social and Legal History, vol. i.) 270. The Cheshire tenths, based on the last column, are given in a *List of the Tenths etc.*, printed in vol. 35 *Rec. Soc. Lancs. and Cheshire* where the relation of the *List* to this survey is not identified.

In the same year, 1534, Royal commissioners were sent round to report upon the religious houses. Those for the diocese of Lichfield and Coventry were the notorious doctors Layton and Legh, and their report¹ upon Birkenhead priory forms a very striking contrast to those upon most of the other monasteries which contain charges of the grossest and most incredible nature. The only allegation against Birkenhead was that Richard Chester, one of the monks, was guilty of incontinence, and nothing was charged against the prior himself. The commissioners assessed the rent (income) at £108 and the debts of the house at £20. It is curious to find that they put down the founder as the earl of Derby. Speed also in his *Catalogue*² of religious houses, probably based on these returns, gives the founder as *antecessor comitis Derbiae*. These are curious statements which can have no real foundation. The Stanleys' local connection arose in 1397 when Sir John Stanley purchased the manors of Bidston, Moreton and Saughall Massie (in all of which the priory had holdings) from the Strange family of Knockin who had become lords of Dunham and so were the successors there of the Mascies. If we may believe the writer of the poem on *Flodden Field*, Thomas, the second earl of Derby, who died in 1521, was born within the precincts of the priory. Perhaps his mother, Joan, the heiress of the last lord Strange whose title she carried to her husband, was on her way to or from Bidston. In the poem the earl, in his grief at hearing of the failure in the battle of some of the Cheshire men who "never abode stroke but fled," is made to exclaim :—

¹ *Letters and Papers Henry VIII* x. p. 141 and *Comperita*, S.P. Henry VIII, 102 p. 22.

² *Historie of Great Britaine* 3rd edn. (1632,) 1053.

“ Farewell bold Birkenhead ! there was I born
 “ Within that abbey and that monastery ;
 “ The sweet convent for me may mourn ;
 “ I give to you tithe of Bidston truly.”

The Act of 1536 immediately followed the survey and by its provisions the property of all the lesser monasteries with an income of not more than £200 a year, was, with their jewels, goods and chattels, granted outright to the king. 376 religious houses came within this limit, and of the Cheshire houses, Birkenhead priory, Norton abbey and the nunnery at Chester, fell under this Act.¹ The actual date when Birkenhead was given up is not known. The annual income from September 1535 to September 1536 was subsequently returned by the Royal bailiff as £129 18s. 10d. gross, of which the prior had, before the surrender, already received £70, roughly seven-twelfths. The Act was passed in February and the court of Augmentations was equipped by April when the instructions to the Royal commissioners were issued, so that it is probable that the priory was rendered up in May or June 1536, only a few months after the date (1st March) from which the gift of its property to the king was intended to operate.

There was at Birkenhead no such resistance as seems to have led at Norton to the hanging of the abbot. The prior received a pension of £12 per annum, the grant² being dated 2nd July 1536, and containing a provision for its cessation if and when he received a benefice or other worthy promotion of that value or upwards. The Act had given him and the monks the option of going abroad or being allocated to such religious houses as the king chose

¹ *Letters and Papers Henry VIII* x. p. 517.

² *Letters and Papers Henry VIII* xiii p. 576; warrant in Miscell. Bk. (Aug. Off). 244, f. 5. (No. 13).

to exempt from extinction, and it is possible that the prior and some of the monks were taken into the reconstituted Benedictine abbey at Chester. Statements have been made that each monk was supplied with some clothing on his departure but no evidence of this has been noticed. It has also often been related that some of them betook themselves to the trade of bookbinding in Liverpool. Possibly they did, but the statement is based upon an entry in the municipal records of Liverpool, hitherto dated 1541, but which in fact shows that in December 1526, more than 10 years before the dissolution, the mayor, William Moore, retained 2s. out of monies belonging to St. Nicholas' church for the purpose of paying a monk of B(yrkhed) for mending a book.¹

No inventory of the contents and valuables of this small house has been met with but doubtless it was despoiled like many others, and its treasures gathered into the coffers of the Augmentation Court. How far the actual destruction of the monastic church and buildings took place at this date can only be a matter of conjecture.

The property of the priory was now managed for some years by a royal bailiff, Randle Arrowsmith, with the assistance of Randle Poole, the representative of a family who had been lay stewards of the monastery long before the dissolution. Much of the property was at once let, an applicant immediately being forthcoming in the person of Ralph Worsley for a lease of the site of the priory and its demesne lands, including the ferry with its boats. Worsley also leased the rectory of Bidston for a short period.

¹ Twemlow, *Liverpool Town Books*, i, 435. Apparently only the initial "B" now survives, so that it is not certain, though probable, that Birkenhead is intended.

The bailiffs accounts of the revenues of the priory estates from Michaelmas 1535 to Michaelmas 1536¹ afford some local *data*.² The lease of the priory and the demesne lands, ferry &c. produced £14 14s. 3d. Rents in Moreton amounted to £7 6s. 8d.³ The Claughton tenants paid £6 16s. 4d., and those of "Wolton" 26s. 8d. From Kirkby in Waley came £5 11s. 8d., a pound of wax being payable on the death of each lessee as a heriot. The Tranmere rents came to 18s.⁴ From Liverpool came 18s. 4d.⁵ The moiety of Wallasey rectory returned £12, the rectory of Backford £12 13s. 4d., that of Bidston £13 6s. 8d., and of Bowdon £50.⁶ The total income was £129 18s. 10d. Out of this was paid various

¹ Min. Accts. Henry VIII. No. 409; later accounts No. 411, 413, 416; rentals No. 397, 408.

² The monastic estates are more fully dealt with in chapter v.

³ Tenants—Margaret Billinge, John Griffith, William Pemberton, William Rutter, John Pemberton, Ric. Pemberton, junr., Thos. Fleshever, John Rathbone, Ric. Pemberton, senr. (decd).

⁴ Other small rents came from Overbebington (John Ewkston), Backford (Ric. Newton), Salghall (Geo. Kemp), Bidston (Hugh Smith), Heswall (Ric. Tyldisley), Upton (John Humphrey), Chester (John Porte), Seacombe (Alex. Yonge), Barnston (Thos. Troutbeck), Warrington (Thos. Byrom), Newsham (W. Bolton), Melling (John Mawdsley, Rob. Tatlock, Ric. Moss), Leftwich (Ric. Leftwich).

⁵ Earl of Derby, Thos. Corbet, Wm. More, 1s, rent of half burgage in Chapel St. let to Evan Halghton for 39 years from 1st April 1515; 3s. 4d. for another half burgage on east side of White Cross between those of Robt. More and John Warren, let to Ric. Richardson in July, 1472.

⁶ Tithes at Timperly (Hamnet Ardern, Alice Hunt, Ric. Legh); Altrincham (Ran. More, Ric. Chorlton, Ran. Dene); Ringey (Geof. Worthington, Rad. Barehed, John Goodyear, Anna Bowden); Partington (Lan. Ardern, Wm. Kenworthie, Geo. Hale, Edmund Parker); Dunham (Eliz. Bothe); Carington (John Carington); Baguley (Ric. Legh); Ashley (John Ashley); Bollington and Acton (Edmund Comberbach); Hale (Lau. Booth, Wm. Leather, Henry Partington, Geo. Newton, John Partington, Geo. Held, Anna Bowdon); Dunham (Hugo Massey, William Sawnders, Henry Holt, Rob. Makynson, Ric. Gulding, Edward Drinkwater, William Birch, Rad. Assheton, Thos. Birchwood).



BIRKENHEAD PRIORY: WESTERN RANGE, SOUTH ELEVATION

outgoings¹ and pensions. One of 16s. 8d., due to the rector of "Traghford" was not paid, nor 20s. to the vicar of Backford. The chaplain at Wallasey got half (23s. 4d.), of his stipend, as did the priest celebrating at Bidston (46s. 8d. with wine and wax). A rental accompanying these accounts ends with this admonition: "Memorandum, to se weel to the woddess that no wast be made and yf any man preseime to i-medel therein, to present his name what yt ys so ever he be."

Leland, in his *Itinerary*, probably compiled between 1534 and 1543, has a well known reference to Birkenhead priory which he must have visited only a few years after the dissolution. He mentions "the fery house on Wyrle shore and there is the *trajectus proximus* to Lyrpole a 3 mile over," and then proceeds "About half a quarter of a mile upward hard on Wyral shore is Byrket, a-late a priory of a XVI monks as a celle to Chester, without any village by it."²

On 17th March, 1544-5, Ralph Worsley, "the king's servant," for the sum of £568 11s. 6d. obtained a grant³ of the following properties of the late priory:—

The house, with church, tower and graveyard, buildings, mills, barns, stables, dovecotes and garden, within the precincts; a house tenanted by Robert

Rent in Newsham 10s., bailiff's fee for half year 30s., steward's fee at 40s. p.a., auditor's clerk 2s., accountant's expenses to Chester to render account to king's auditor 10s.

² Leland, *Itinerary*, v. 56. See *ante* p. 9 for some comments on Leland's statements.

³ Patent Roll No. 750, pt. 11, m. 37 (old 10); *Letters and Papers Henry VIII*, xx(i) p. 217; on the roll is *Per ipsum Regem virtute commissionis regie*; the warrant is stamped and signed by "Suffolk, Russell, Petre, St. John., North, Sir Richard Southwell, Bacon and Duke." Since the above was written Mr. W. Fergusson Irvine has printed an abstract of this grant, with notes, in *Cheshire Sheaf* 1923, No. 4708.

Molyneux ; a dovecote, a mill, all " lez fysshyardes," 2 acres of meadow, 78 acres of arable and a piece of land where flax used to grow, the ferry, ferryhouse and boat, in Birkenhead, Bidston and Kirkby Walley and kept in the late prior's own hands ; the lordships and manors of Claughton and Wolton and lands there and in Bidston and Kirkby Walley held by various tenants¹ ; a rent of 26s. 8d. from the tenants in Wolton ; rents,² services and lands in Tranmere ; lands leased out in Kirkby Walley³ ; 87 acres of woods⁴ stated to have been in Bidston and Kirkby Walley ; the whole being of the clear annual value of £29 13s. 11d., and to be held as 1-20th of a knight's fee and by a rent of £2 19s. 5d.

Mr. Earwaker, in his *History of St. Mary on-the-Hill*, Chester, tells us that Ralph Worsley was of a Lancashire family, a son of William of Worsley near Eccles. Born about 1483, he became attached to the court and household of Henry VIII. His monument in St. Mary's church states he had been a page of the wardrobe and steward of the Chamber. Among the sinecures granted to him were the offices of Sergeant of the Crown, Warden of the lions, lionesses and leopards in the Tower of London, Controller in the counties of Chester and Flint and Clerk of the Crown and Escheator in Lancashire. His epitaph speaks in laudatory terms of his mental gifts, piety and charity. He died on 27th December,

¹ Thos. Hecoke, Ric. Hecoke, Margery Hare, Ellen Dene, Ralph Drynkewater, Jas. Wodwarde, Rog. Wilcok, Rog. Watte, Rog. Parbatte, David Wodwarde, Henry Dene.

² Robert Hulme, William Brombere, William Hille, Alice Newton, Diota Hulton, Ric. Dene.

³ John Hille, Thos. Richardson's wife, William Richardson, Emmota Shirleacre, Ric. and William Wylkyn, Thomas Meoles, William Pultur, Rob. Barker, John Meoles esq., and Thos. his son.

⁴ Called le Hagge Coppes, Intacke, Hillfeld, Oldewood, James at Poole's, " Beawmores," Walnut tree *alias* Walnut hey and Little Olde-wood coppes. Mr. Irvine says these were in Birkenhead.

1572. By his will he settled his priory estates and rights upon two of his daughters, but the whole appears eventually to have come to Alice who married Thomas Powell of Horsley in Denbighshire.¹ A family dispute took place in 1601 over the terms of the will and some of the depositions have survived²:—

“James Wilkinson of Churton, yeoman, aged 54, said he knew Ralph Worsley esq. deceased, and had known the manors of Birkenhead, Cloughton and Wolton *alias* Wotton and his other lands for 30 years. The said Ralph made an assurance of his manors in consideration of the marriage of his daughter Alice with Thomas Powell and another daughter Katherine with Thomas Tutchett esq. deceased, with remainders to Thomas, son of Thomas Powell. Alexander Rigby of Burgh (Lancs.) and Thomas Browne of Hoole were trustees. The deed was enrolled in the Exchequer at Chester, where deponent was then a clerk. After Worsley's death Powell and Tutchett entered into possession. Deponent had heard that Worsley left £200 to Avice Shakerley and it was paid to her; he also arranged her (first) marriage with Mr. Vaudrey “a gentleman of good lyvinge,” and gave money, but said she was to have no part of his lands.

William Powell, gent., deposed that Worsley gave his manors &c. in moieties to Thomas Powell and Thomas Tutchett and their male issue by his

¹ Earwaker, *Hist. of St. Mary on-the-Hill, Chester*, 45, 59, 188.

² Chester Excheq. Deps. Bdle. 13 (Chester 16-13) Mr. W. F. Irvine kindly lent me his abstracts. The plaintiffs were Thomas Powell, Alice his wife and Thomas their son and heir, against Avice Shakerley, widow, Edward Vaudrey, gent, Wm. Davenport and Thomas Smallwood, gent. Besides the witnesses named above, the following gave evidence, William Kerrason of Bradeley, gent., aged 69, Randle Brereton of Cuddington, esq., aged 52, Owen Stockton of Cuddington, gent., aged 53, Wm. Burges of Chelford, gent, 47. The result of the case does not appear.

daughters, as appears by the inquisition. The deed had been given up by Tutchett to Powell, he being satisfied that the whole inheritance belonged to the plaintiffs. As to the London lands, however, he (Tutchett) had sold his purparty, but he, his wife Katherine and Avice were interested in the other properties and he therefore asked Powell to entrust the London deeds to him. This was done accordingly. Powell's part of the evidences was for a time in deponent's custody, but was given up to him and destroyed (as he believes) when the house at Horsley was burned down. After Worsley's death Powell and Tutchett held in severalty all that was partible in Birkenhead, Claughton, Wolton, Wallasey and Tranmere. Deponent was not of an age to remember Ralph Worsley making his will, but when going to London about five years ago his father, Thomas Powell esq., asked him to obtain an exemplification of the will from the Prerogative Court ; he believes the original was burned in the fire. He obtained it accordingly and compared it with the register book. From what he has heard and read he believes that Worsley meant the defendant Avice to rest contented with what she had been preferred withall by him, and have no claim to his lands. About two years ago William Burges of Chelford gent., at the house of Alexander Cotes, stated that Smallwood and others had a part of the lands in dispute to secure money. Deponent then said it would be better for them to give it up then ; otherwise he would not give a groat for it, as he took the deed not to be good.

Alexander Cotes of Chester, gent., aged 61, said he knew Ralph Worsley esq. for many years in his lifetime, and was used by him as a dear friend in trust ; he had been steward of the manors of

“ Birkheved ” &c. for 20 years and more and kept many courts leet and courts baron. Before his death Worsley, who was long “ bedrid,” fully explained his desires as to his estates in Cheshire and Lancashire and London. The London lands had in part come by his wife and he wished them therefore to remain to his three daughters, Alice, Katherine and Avice, and their heirs ; the part he had bought himself he wished to go to Hugh Worsley gent., his brother’s son. The lands in Lancashire he would give in marriage with Katherine his base daughter. The manors and lands in Cheshire were to go to his daughters Alice and Katherine and male issue, Alice then having a son. Katherine has no issue alive. He wrote Worsley’s will in accordance with these wishes. During deponent’s absence in London, Worsley made other conveyances as to land in Cheshire to the like effect, by the advice of Alexander Rigby, whom he appointed feoffee ; and on his return from London, Worsley told him what had been done and said it was to prevent any of his sons-in-law or daughters from defrauding the others. Deponent had had the deeds in his custody for a long time so that they might be enrolled in the Exchequer, he being deputy “ baron ” of the Exchequer. The enrolment was written by his clerk James Wilkinson. He and his clerk compared the original with the enrolment, and they agreed *verbatim*. Raffe Worsley’s deeds were kept in deponent’s house, and the indenture and divers ancient deeds were afterwards given to Powell by Tuchett, who had no hope of male issue and so acknowledged that the reversion was to Powell. Deponent had married a sister of Powell’s and was a trusted friend of both Powell and Tuchett. At their request he drew the “ office ” (the inquisition) after Worsley’s

death ; Sir Thomas Egerton, now lord keeper, revised it as counsel for both Powell and Tuchett ; It was also revised by Symon Thelwall, learned in the law and by Richard Hurleston, both now deceased. This document was given to the jury, with other evidences, so that they might give their verdict. Alexander Rigby proved the indenture ; the other witnesses were servants in Worsley's household. After Worsley's death Powell and Tuchett entered on the manors and had quiet possession, and made deponent steward. He summoned a court of survey at " Birkheved " ; Powell and Tuchett were present and the tenants came, paid their rents and did their services. A partition was agreed upon, and a number of tenants were sworn to make an equal division of the demesnes, woodlands and tenements. This was done in writing, and then Powell and Tuchett, with the consent of their wives, drew their parts by lot, each accepting his part and holding in severalty. Tuchett made great sums by sales of wood, disposing of the great part of the timber that it might be felled. Powell likewise sold a great deal of the timber in his portion. But concerning the royalties of the manors, the ferry and ferry house, and the water mill, which could not conveniently be divided, the two continued in joint possession and took the rents equally as they became due. By the will Worsley gave Avise Shakerley (then wife of Thomas Vaudrey) £200, but would not allow Vaudrey to have it because he had a bad opinion as to his unthriftiness and because old Mr. Vaudrey had dealt very craftily (as Worsley thought) with him in exaggerating the value of his lands. The chief cause of the difference made, however, was his liking for his other two daughters and the esteem

he had for their husbands ; he “ did thinke theym to be verey well bestowed and according to his mynde.”

Thomas Powell the grandson was created a baronet in 1630 and the family history is rather connected with Denbighshire than with Birkenhead.¹ Sir Thomas Powell the last baronet died without an heir in 1706 and his representatives are said to have sold the Birkenhead property after 1710 to John Cleiveland, of Hinckley in Leicestershire, a Liverpool merchant, sometime mayor and M.P. for the town, a relation of the poet of that name. Cleiveland died in 1716 and was buried in St. Nicholas' Liverpool.² The representation of the family finally devolved upon his daughter Alice, first married to Francis Price of Bryn-y-pys in Flintshire, and the township of Birkenhead, with Cloughton and the ferry, remained in the Price family for many years. The sale of the ferry and a good deal of land to the commissioners of Birkenhead is dealt with elsewhere. Francis Richard Price died in 1853 and under the will of his widow such of the property in Birkenhead as remained unsold passed to her niece Eliza, only daughter of Richard Burton Phillipson of Dunston House, Co. Stafford, and wife of Willoughby Hurt Sitwell of Ferney Hall, Salop, now represented by their grandson of the same name.³

The history of the priory buildings after the sale to Worsley is obscure. Some of them seem to have been roughly adapted for domestic uses and purposes. The church was probably largely destroyed at the dissolution, and in course of time

¹ See *Hist. of Powys Fadog* iii. 255, Ormerod's *Cheshire* ii. 461.

² Peet, *Liverpool in reign of Q. Anne* 61n, 130, 146 ; Ormerod *loc. cit.*

³ Ormerod *loc. cit.* ; Burke, *Landed Gentry* 1847, 1921 &c.

the whole of the buildings, except the chapter house, were allowed to fall into roofless ruin and decay. The preservation of the chapter house seems to be due to the fact that it came into the hands of the ecclesiastical authorities. It is practically intact and still retains the original Norman pillar work and overhead vaulting. There is some evidence that it was used, more or less regularly, as a domestic chapel after the dissolution and later as a chapel for the extra-parochial district of Birkenhead until the new church of St. Mary was built after 1819. Baptisms, marriages and burials seem to have taken place there and the registers from 1719 have been preserved.¹

The old drawings of the priory ruins testify to the gradual destruction of the other buildings. It was hardly to be expected that during the 17th and 18th centuries any protest should have been raised or that any plea for preservation should have been put forward, and the ruins attracted little public notice. Ormerod, the historian of Cheshire, gave them a few paragraphs in his book, but these were marked with the want of knowledge of, and lack of sympathy with, mediæval architecture which often mars his great work. In 1818 several sycamore trees were growing to a large size in the refectory floor (which at one time was used as a garden) and a writer to the press expressed the hope that the trees would be cut down as he feared their roots were entering into the joints of the vaulting below. Similar large trees were standing in and upon various parts of the ruins until the reparation work of 1896 mentioned below, and, with a free growth of ivy, had contributed steadily to the destruction of much

¹ *The Registers for the chapel of St. Mary, Birkenhead, 1719—1812, transcribed by F. C. Beazley, 1906.*



BIRKENHEAD PRIORY: DOORWAY FROM CLOISTER TO GUEST HALL
AND (ABOVE) ENTRANCE TO PRIORS' CHAPEL

valuable and interesting early stone and wood work which, by a little timely attention and care, might have been saved. There can be no doubt also that the remaining portions of the northern arcading of the priory church were ruthlessly sacrificed when the present church adjoining the ruins was built and the graveyard, which then included the cloister area, was extended over the site of the priory church.

In April 1819 one Thomas Whitby, inspired by a visit to the priory, published four cantos of romantic verse in a scarce little book¹ *The Priory of Birkenhead*: a tale of the 14th century. There is nothing worth quoting except the author's description of the place as he had seen it in 1814—"Its situation is extremely pleasant, being on an elevated piece of land on the Cheshire shore of the river Mersey, nearly opposite to the flourishing sea-port of Liverpool. Of the venerable pile, enough still remains to gratify the exploring antiquary; the situation and surrounding scenery will afford true delight to the more ardent admirers of wild and animated scenery."

The ruins, from an architectural point of view, have been dealt with in print on several occasions since Ormerod wrote his very superficial remarks upon them. In 1854 appeared *The History and Antiquities of Birkenhead Priory*, illustrated by views, plans and elevations, by William I. Mason, architect and A. W. Hunt B.A.; published at Oxford and London by John Henry Parker, and at Liverpool by Pearce and Brewer. The letter-press added nothing to the history of the priory, but the work contains a ground plan and elevations of the then

¹ Published by J. Souter 73 St. Paul's Churchyard, London 1819 and sold also by Robinson & Sons, Liverpool, price 5s. 6d., boards. There is a copy in the Liverpool Public Reference Library.

existing ruins and many good drawings by Mason of windows, mouldings and details. Hunt added a few poor sketches of the priory and the churches connected with it. In 1890 a paper on the priory by Charles Aldridge F.R.I.B.A. appeared in the *Transactions* of the Historic Society of Lancashire and Cheshire, vol. xlii (6 N.S.) 141. The chief value in this lies in the reproduction of a plan and measured drawings by Geo. Hornblower F.R.I.B.A., for which he obtained a prize from the Liverpool Architectural Society. Some old engravings and drawings of the priory were also reproduced. In 1894 the late Edward W. Cox, who had devoted a great deal of time to the subject, published an elaborate architectural account of the buildings with a "recorded" plan, conjectural drawings of the lost cloisters and church, with other details and sketches (*Trans.* xlv. (10 N.S.) 123.) He supplemented this in 1898 with some notes written after excavations which he thought confirmed his earlier conjectures (*Cheshire Sheaf*, Series iii, vol. ii. 81 etc.) and before his death made a conjectural bird's-eye sketch of the priory which is reproduced here, together with a drawing, based upon it, recently made by Mr. S. M. J. Brown, the Liverpool artist. Mr. Cox's skill in such reconstruction was considerable but great caution is necessary in the acceptance of many of the views and theories expressed by him on the subject of the priory ruins. Mr. Brakspear gives good reasons for differing from Mr. Cox and other writers on several important matters in the next chapter.

It stands finally to the lasting credit of a small local circle of interested persons that eventually a successful effort was made to raise the few hundred pounds necessary for the purchase of the ruins and

to induce the corporation of Birkenhead to undertake to secure them so far as possible from further destruction. In the year 1896 a scheme for the acquisition of the remains of the priory which had been so grievously neglected was inaugurated by the Historic Society of Lancashire and Cheshire, with the support of the Birkenhead Literary and Scientific Society and the Chester Archæological Society. An appeal was issued by the mayor of Birkenhead, Mr. G. S. Oldam, supported by the vicar, and sufficient funds were raised by private subscription to purchase the site (exclusive of the Chapter House) from the representatives of Mr. Price. The corporation of Birkenhead intimated their willingness to undertake the care of the ruins of the priory, and the site was duly vested in that body for all time. The urgent task of preservation from further decay was entrusted to Messrs. W. Haswell & Son, stone masons of Chester, under the superintendence of the late E. W. Cox, and some three thousand pounds was spent thereon. A caretaker was appointed by the corporation and a small guide-book was issued for the use of the public who now have free access to the priory.¹

In July 1913 a faculty was obtained to remove the decayed roof of the chapter house (which was still in the hands of the ecclesiastical authorities) and to replace it by one of oak ; to furnish the chapter house as a chapel ; to construct a staircase to the (so called) *scriptorium* above it, and otherwise to protect the building. A fund to defray the

¹ For an account of the reparation work see *Transactions Hist. Soc. Lancs. and Ches.* LV, page 107, *Cheshire Sheaf* Series 3, vol. ii 81 sqq. The new work of 1897 etc. is identified by the modern masons' marks figured in the *Guide* issued in 1898, page 14. For the ancient masons' marks see *Transactions Hist. Soc. Lancs. and Ches.* XLIII, p. 179. The Birkenhead Public Library has a large collection of old photographs.

cost of this work was promoted by the vicar of St. Mary's church, the Rev. G. D. Oakley M.A. and his successor the Rev. T. Sherwood Jones M.A. A stone tablet in the chapter house has the following inscription :—

This Norman chapel was built early in the twelfth century as the chapter house of Birkenhead priory. Since the priory's dissolution it has been used for religious services. When falling into ruin it was (together with the scriptorium above) carefully restored to its original condition under the direction of a committee of leading citizens assisted by public subscriptions, A.D. 1913-1919. The ancient sepulchral slabs at the east end were all found in and about the building.

G. D. Oakley, M.A. Vicar 1908-1916.

T. Sherwood Jones, M.A. Vicar 1916.

R. Sydney Marsden, M.D. D.Sc. F.R.S.
(Edin.) Secretary.

Edmund Kirby, F.R.I.B.A., Architect.

F. W. Shaw,¹ Mason.

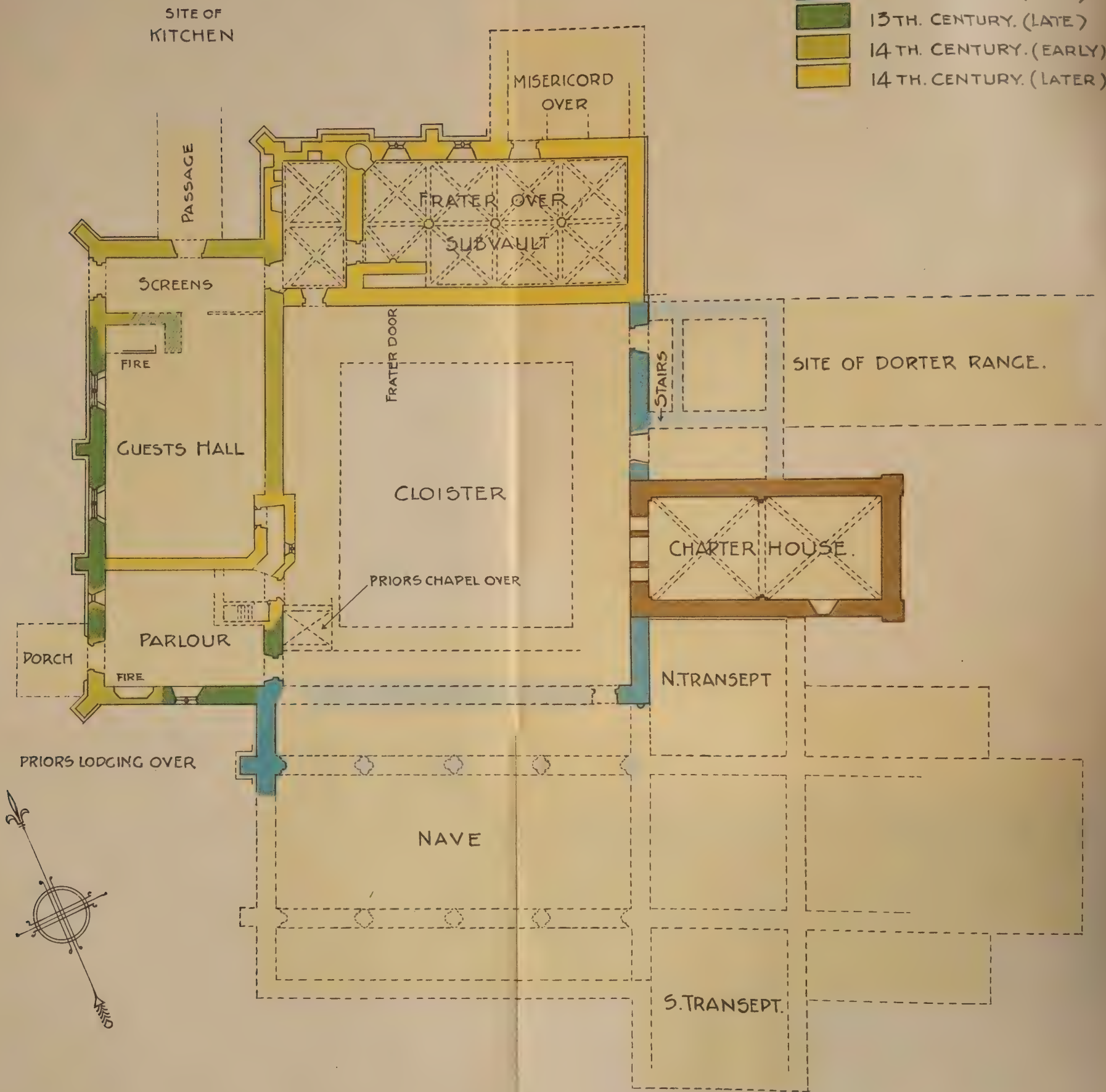
The renovated chapter house was re-opened for use as a chapel at a Dedication Service held on the 26th July 1919.

¹ The new stone work in the Chapter House is distinguished by his mark thus $\triangle$

BIRKENHEAD PRIORY

DATES

- 12 TH. CENTURY.
- 13 TH. CENTURY. (EARLY)
- 13 TH. CENTURY. (LATE)
- 14 TH. CENTURY. (EARLY)
- 14 TH. CENTURY. (LATER)



FROM PLANS BY W. I. MASON & G. HORNBLLOWER.

SCALE OF 10 0 20 40 60 80 100 FEET.

CHAPTER VIII

THE MONASTIC BUILDINGS

BY HAROLD BRAKSPEAR F.S.A., A.R.I.B.A.

SMALL Benedictine houses were founded in many places, but few are now represented by any remains and still fewer have been traced by excavation, so that little can be learnt of the remains at Birkenhead by comparison with other examples. However small these monasteries were they had to abide by the same rules as their larger companions of the same order, and therefore the same buildings were necessary to accommodate the inmates.

Every monastic house was enclosed by a wall, or ditch, and the precinct so formed was entered through a gateway. The principal monastic buildings were generally placed towards the middle of the precinct and it had become, long before the Conquest, the custom for these to be laid out on a definite plan. The buildings necessary for the daily life of the convent were arranged around a square court or cloister surrounded by alleys or passages to form easy communication between the buildings ; these alleys were also the living place of the monks in their spare time. The church was generally placed on the higher side of the cloister for the purpose of drainage ; on the east side of the cloister was always the chapter-house, and generally the range of the buildings with the dormer or sleeping place of the convent upon its upper floor ; on the

side of the cloister opposite the church was always the frater or dining-hall of the monks, generally over a subvault, and the kitchen was adjacent in a detached building; on the west side of the cloister was usually a range of buildings which, in all orders except the Cistercian, was allotted to accommodation of guests, and in smaller houses also contained the lodging of the superior next to the church. In addition there was always an infirmary, which was a distinct establishment for the housing of the infirm and the temporary accommodation of the sick. Besides these buildings occupied by the convent, there were within the precinct, a brewhouse, bake-house, guests' stables, and a dove-cot, farm buildings embracing one or more barns, stables, ox-house, cow-house, pigstys and garners, smith's forge and artisans' workshops. Eastward of the church and generally to the south was the cemetery of the convent and there were also gardens and sometimes a fish stew within the bounds.

At Birkenhead nothing now remains to indicate the extent of the precinct or the position of the gatehouse. The buildings were placed on high ground at the end of a promontory from which a ferry crossed the Mersey to Liverpool. In the same way as ancient bridges had chapels upon them, so the priory was probably placed here to enable travellers to offer their prayers and gifts, before making the then perilous crossing of the river. At the foundation the road to the ferry actually passed through the precinct, for in 1284 licence was obtained to divert it round the walls.

In bad weather travellers had to pass many nights at the priory before it was safe to make the crossing. Hospitality was one of the necessary duties of all monastic rules and in many cases it

was a severe tax upon the resources of a convent. A guest was supposed to stay at the convent's expense for not longer than two days and nights and there were various regulations which had to be enforced when this time was exceeded. Owing to the peculiar position of Birkenhead, at one end of a well-frequented ferry, where there was neither town nor village wherein travellers could lodge, the tax of accommodating an indefinite number of people for an indefinite period was more than a much richer house could have borne. Even the king had to be housed with all his retinue for several days in 1275 and for five days in 1277. It was no wonder that the convent fell into a destitute condition, but in 1317 the prior and convent obtained licence from the king by letters patent to erect buildings for the accommodation of travellers and to charge them for their entertainment, and further in 1330 to charge tolls for ferrying them across the arm of the sea. These licences must have caused a considerable increase of revenue and raised the priory from extreme poverty to comparative wealth.

The monastic buildings at Birkenhead were arranged with the church on the south side of the cloister, and the chapter-house immediately adjoining it on the north. The dormer range apparently projected eastward from the cloister parallel with the chapter-house, but with this exception the normal plan was adhered to. The whole site of the church, cloister and dormer is now occupied by a grave-yard, which must have destroyed every vestige of the foundations and renders any excavations futile. Therefore the whole story of the buildings that it is possible to reveal must be learnt from what now remains above ground.

THE CHURCH

Of the original church nothing whatever remains and all that can be said about it with certainty is that the north transept was not as long, by the width of a passage, as that of the later church. This very short transept indicates that the nave was aisleless and the plan was probably very similar to the first and contemporary church of the Austin canons of Haughmond, in Shropshire.

The church was apparently entirely rebuilt in the thirteenth century, though it is possible that some of the earlier building may have been retained in the eastern part. Of the rebuilt church there are remains of the west wall of the north transept and of the west wall of the north aisle of the nave.

The north transept was 23 feet wide by 24 feet from north to south. The toothing for the east wall is still traceable on the south wall of the chapter-house, and the height and pitch of the roof shewed, until a few years ago, on the chimney of the fireplace over the chapter-house.¹ In the west wall was an archway of two chamfered members into the nave aisle, of which the inner member rested on a moulded corbel which still remains in its original position.

The nave was 62 feet in length and the main span was certainly no less in width than the transept. The lower part of the north jamb of the west window remains and there was probably a doorway in the middle. The western respond of the arcade remains and consists of one half round and two quarter round columns with moulded capitals and bases. By developing the respond it shews that the detached piers were formed of four large semi-circular columns, in the shape of a quatrefoil on plan. The springer

¹ A photograph in the Birkenhead Public Library shews this.

of the arcade was $11\frac{1}{2}$ feet above the original floor level and the arches were pointed and consisted of two chamfered members of which a portion remains above the capital of the respond. Many surmises have been made as to the number of bays into which the nave was originally divided but there is little doubt that it had four bays each with a width of $15\frac{1}{2}$ feet.¹ The three western arches of the north arcade were standing in 1727, but whether they ultimately fell or were deliberately pulled down is not known.

The north aisle of the nave was 9 feet wide and had the usual processional doorways into the cloister at either end. The eastern doorway had moulded jambs

¹ The reason of any doubt on this matter arises from the existence of two drawings of 1656 and 1727 respectively (see plates) and the mistake of trying to read both drawings as representing the arches there shewn as the complete arcade up to the crossing. It must be remembered that these drawings were made by an engraver from a rough sketch by another man and so what was perfectly clear to the artist was not necessarily so to the engraver. The earlier drawing was published in King's *Vale Royal* and is confused by the attempt of the draughtsman to shew the west end of the nave (which was then standing) in perspective in front of the arches, so that the western arch or arches need not be considered. The eastern arch is supported on columns of which the eastern is clearly not a respond but a detached column (with a block of added masonry to the east) above which is shewn the line of another arch which formerly existed further to the east. The chapter-house is shewn to the north of the arcade and there is a wall running east between the two which may be intended for the remains of the north chapel of the presbytery, but it is certainly not part of the wall of the chapter-house. The 1727 view is in the well-known series by the brothers Buck; by this time the south part of the west end had disappeared and the three arches of the arcade are clearly shewn. Again the eastern column is shewn with the supporting block of masonry on its east side. The chapter-house is not in its right position but is shewn quite clear of the arcade. On the chapter-house wall is shewn the corbel of the arch across the east end of the north aisle where it never occurred, but it is in its right position in connexion with the arches. Now if these arches are set out on plan as those remaining of a four-bayed nave and the point be fixed to the south-west where the artist stood to make his sketch, it will be found that this corbel comes exactly where he shews it with respect to the arcade, and the only mistake is that the chapter-house is shewn too far to the south.

with detached columns and the outer order and its capitals remain of the eastern jamb. The western doorway has been destroyed except for a portion of the inner western jamb which was slightly splayed.

THE CLOISTER

The cloister was 66 feet from north to south by 61 feet from east to west. As a rule the cloister when first set out was perfectly square, and the irregularity of the subsequent cloister may be accounted for by a later alteration. If the first church was aisleless, as already suggested, the north side of the first cloister would be about 20 feet to the south of the later one. Then when the aisle was added it encroached on the cloister to such an extent as to render it inconveniently small, so that when the northern range was rebuilt advantage was taken to enlarge the cloister, the old north wall of the range was used as the south wall and the new range was built clear of the old to the north.

The cloister was surrounded by alleys with windows towards the centre court and covered by flat roofs, the corbels to support which still remain on the western side. In the south-west corner the line of the flashing for the roof at the west end of the south alley remains. Adjoining this the prior's private chapel was carried upon vaulting over the west alley, which will be described later, but by the way the vaulting is arranged it would appear that the south alley of the cloister had carols along the inside wall like the neighbouring abbey of Chester.¹

¹ Carols or carrells were pews or enclosed places in the cloister near to the court for the monks to have privacy for study; thus at Durham "in every wyndowe iii pews or carrells where every one of the old monkes had his carrell severall by himselfe, that when they had dyled they dyd resorte to that place of cloister and there studyed upon there bookes every one in his carrell all ye afternone unto evensong time, this was there exercise every daie" (*Rites of Durham* (Surtees Society) cvii. 83.)

THE CHAPTER-HOUSE

The chapter-house, which immediately adjoined the north transept of the later church, remains complete, owing to it having been used as a chapel since the Suppression. It is entirely of the Norman work of the original foundation, except for the insertion of two windows on the east and north. It is 39 feet long by 18 feet wide and is entered from the cloister by a round-headed archway, flanked by two small round headed openings, unrelieved by any mouldings except an impost at the springing of the arches.

The room is vaulted in two bays with roll-moulded diagonal ribs and a plain square cross rib. These are supported in the middle of the side walls upon a group of three columns, which have scalloped capitals and moulded bases, and in the east angles upon corbels. At the west end are small square piers in the angles, and the vaulting is carried on corbels to the east of these. Round the room is a double chamfered string-course in line with the springer of the vault and on the south side of the east bay is one of the original round-headed windows with deep internal splays. As usual the chapter-house was originally surrounded with stone seats raised upon a step above the floor level, and the height of the seat is shewn by the bases of the vaulting piers to have been 23 inches above the present floor.

In the east end and in the north wall of the eastern bay are large five-light windows of fifteenth century work. These are stated to have been inserted after the Suppression but there is nothing to indicate that they were not put in when they were made.

Externally, the chapter-house has flat buttresses at the eastern angles, but they do not occur any-

where else. The tothing of the east wall of the north transept shews in the lower part of the wall and a string-course under the original window stops against it. From the inside face of this tothing up to the west wall of the transept the lower part of the wall sets forward some 4 inches from the face above, and the upper course of this set-off is made of narrow stones forming the skew-back of a barrel vault. This vault is evidently of the first work and shews the former existence of a slype or passage between the chapter-house and the transept of the first church.

In the north and south wall, at the west end above the string-course, are pointed doorways of fourteenth century work, though they were probably inserted after the Suppression. The northern doorway has had an old fourteenth century window inserted in it since 1860 and the southern one has recently been filled with modern tracery.

Over the whole of the chapter-house is a large room, added in the fourteenth century and then covered by a steeply-pitched roof. In each gable are tall two-light windows with traceried heads and transoms, below which are rebates for shutters. In the south wall is a large fireplace with moulded jambs and a flat lintel. At the extreme west end of this wall is a square-headed doorway leading outwards, which appears to have been the only original entrance to the room, in which case it must have been gained by a flight of steps in the north transept of the church. In later days a doorway was inserted in a corresponding position in the north wall, but at a much lower level and had a flight of steps down to it contained in the pocket of the vault. At the east end of the north wall is a square-headed window, of the date of the room,



BIRKENHEAD PRIORY
CHAPTER HOUSE WEST ELEVATION

with a cupboard adjoining it in the wall on the east. A two-light square-headed window was inserted in the north wall further west and is apparently of monastic date, as it is placed to escape the building which abutted the chapter-house on the north. Externally there is a bold moulded string-course under the sills of the windows on the east and north. The room is now covered by a modern open roof. The use of the room is very problematical but it has of course been pronounced to have been the *scriptorium*, though it must be remembered that the convent was always a small one, and if every inmate was a scribe there is twice as much accommodation in this room as would be required for that purpose.

THE DORTER RANGE

Northward of the chapter-house the cloister wall stands to about 10 feet in height. Next to the chapter-house was a doorway that has been much tampered with in late days and opposite the north alley of the cloister is a pointed doorway of a single member with moulded jambs and arch. On the east side this wall is covered by a heap of rubbish, which ought to be cleared away, but there are remains of a wall running eastward with its outside face in line with the north wall of the cloister. This wall had externally a deep plinth of three courses. There appears to have been a second wall running east at about 8 feet from the chapter-house. There are also the remains, on the north side of the chapter-house, of the toothing of a wall running northward. These walls enclosed a building 28 feet from north to south by 20 feet wide which contained, on the ground floor a passage next to the chapter-house leading from the cloister

eastward, a flight of steps against the cloister wall ascending southward, and a small room to the east.

In a normal plan this building would have continued northward and have contained the dormer or sleeping place of the monks on its upper floor, but the external plinth of its north wall and the same on the east end of the northern or frater range mentioned below positively preclude this to have been the arrangement here. A precisely similar arrangement however, of this portion of the buildings occurs at Chester and helps considerably to explain these buildings at Birkenhead. At Chester the stairs still remain together with the passage next to the chapter-house but the building eastward of the stairs is much larger and is vaulted down the middle and lighted at the north end. The use of the room is not obvious. From the east side of it the dormer range at Chester runs eastward over a subvault in which were the warming-house and novices' quarters. The rere-dormer was arranged in a parallel building to the north connected by a bridge with the dormer. A similar arrangement of these buildings without doubt occurred on a smaller scale at Birkenhead, so that it can be safely said that the passage next to the chapter-house led out to the east and connected with the infirmary, that the stairs ascended to a lobby over the passage from which the dormer was gained, that the dormer ran out eastward and had the rere-dormer either at its east end or on the north side. The cell of the sub-prior would be the first cell in the dormer and over the room eastward of the stairs.

THE INFIRMARY

The infirmary of a monastery was a separate establishment in which the rule of the cloister was

relaxed, where dwelt the infirm and aged and where the sick and those who had been blooded were temporarily housed. The usual arrangement of this building was a great hall like a church with a chapel to the east, and a kitchen. In some cases the infirmary was mixed up in a curious manner with the rere-dorter as at Worcester and Malmesbury. Nothing remains at Birkenhead to indicate its position except the passage to it next the chapter-house.

THE FRATER

The north side of the cloister is occupied by a range of buildings over a sub-vault divided into two parts, and dates from the middle of the fourteenth century.

The eastern part is 46 feet long by 22 feet wide and was the monks' frater or dining-hall. It was entered at its western end by a doorway from the cloister with a flight of steps contained in the pocket of the vault. The doorway has been destroyed and of the frater itself nothing remains, as the present walls, which stand about 7 feet above the floor, are of post-suppression date, except a small section of the north wall which contains a small pointed and moulded doorway. In the north-west angle of the frater was a vice or spiral staircase descending to the sub-vault for serving purposes, but the upper part of this vice is entirely of modern re-construction and is misleading.

Generally the frater extended the full length of the northern range but here it stopped short of the west wall of the cloister by 14 feet. The space so formed in the range was occupied by a room the same width as the frater and divided from it by a solid wall. The room was lighted in the western gable by a large two-light pointed window

which is shewn in one of the three careful drawings by John Calveley, of 1780. It apparently had a fireplace in the north wall and was entered by a doorway in the west wall, of which there are remains, off the screens in the guest-hall in the western range. The use of the room was apparently a guest chamber.

The sub-vault under the frater remains complete. It is divided into two alleys of four bays with octagonal columns from which the vaulting springs without any capitals. The vaulting has cross and diagonal ribs with double ogee chamfers and rests on the side walls upon delicately-moulded corbels. In the second bay of the north wall is a wide doorway of entrance with pointed segmental head and two orders of mouldings in the jambs and arch. In the third and fourth bays are small two-light square-headed windows with segmental rere-arches. In the north-west angle is the vice to the frater on the upper floor, entered by a shouldered arched doorway, rebated for a door on the outside. The fourth bay on the south side has a second wall inside the main wall in order to carry the steps up to the frater and the vaulting is depressed to enable the steps to continue above. In the west wall of this bay is a doorway to the space under the guest chamber. This space is vaulted in two bays like the rest of the sub-vault and is entered from the cloister by a segmental-headed doorway of two moulded members. It has a cupboard in the north wall and another at the north end of the west wall. Next to the latter is an opening now restored into a window, but even if this was its original character it was a doorway from early times to a building added on the outside, which will be referred to later. At the south end of the

west wall was a wide doorway, of slightly earlier date than the sub-vault, (which had originally a pointed head,) that was lowered and the doorway reduced in size when the sub-vault was built. This western chamber of the sub-vault was doubtless the buttery and serving place to the frater. The frater sub-vault was usually the cellar of the monastery but this building is finished with so much detail and kept at almost the same level as the western range that here it may have been used for the accommodation of inferior guests.

Covering the two eastern bays of the northern range was a vaulted chamber of which indications remain that shew it to have been divided into three bays from east to west but nothing remains to shew its width. This sub-vault carried a room above, which was entered from the frater by the little doorway already described. The room, in consequence of its connection with the frater, can only have been the misericord, a chamber that became a necessity in the fourteenth century owing to the relaxation of the rule with respect to eating flesh meat. Up to that period no flesh meat was allowed to be eaten by the religious and such was forbidden to be consumed in the frater, so that with all orders new meat fraters were formed for partaking of this indulgence and in consequence were called misericords.

THE WESTERN RANGE

The western side of the cloister is formed by a range of buildings 75 feet long by 28 feet wide, which is of two dates, and slightly oversets the northern range. The earlier part consists of the west and south walls and probably most of the east wall, and dates from the end of the thirteenth

century. The later work is of the early part of the fourteenth century and consists of remodelling the building, perhaps in consequence of a fire. The range is divided into two parts.

The northern part, $52\frac{1}{2}$ feet long, was a great one-storied hall for superior guests, roughly divided into three bays. In the two southern bays on the west side are large two-light pointed windows with segmental rere-arches. The tracery is of early form with simple circles in the heads, and there is a transom slightly below half height. The upper part of these windows is prepared for glass and below the transoms is rebated for shutters.¹ Inside are stone window seats against each jamb. In the northern bay is a fine pointed doorway of three moulded members of the fourteenth century reconstruction. This bay was separated from the hall by a great fireplace, of the later work, which projected from the west wall half across the building, and of which a few courses of the lacing of the flue remains in the west wall, together with a corbel carved with the head of a man, to take the head of the fireplace. The curb of the hearth and part of the wall at the back have been uncovered by excavation. There was probably a screen running from the end of the fireplace across to the east side of the hall. The space to the north behind the fireplace and screen was the entrance and serving lobby to the hall and it has in the middle of the north side a wide segmental doorway, which will be referred to later. Over the lobby was a room lighted by a large window in the north wall, and from it, in the east wall, was the entrance to the room already described over the buttery.

¹ The northern of these windows has been filled in Tudor times with a three-light transomed window with four-centered heads.

These two rooms were doubtless gained by a wooden stair from the lobby beneath.

The east side of the hall has been mostly rebuilt but at the south end the wall is original and is thickened out to contain a wall passage which is entered from the hall by an acutely pointed arch of two moulded members.

The southern part of the range was of two stories. The lower story, which was not more than 9 feet from floor to floor, formed a room 20 feet from north to south and of the same width as the hall. It was entered by a pointed-headed doorway of a single member in the south end of the west wall. In front of this entrance a two-storied porch of timber construction was added late in the fourteenth century, when the doorway was reduced in size and a flat lintel inserted. There is a small window to the north of the entrance. In the south wall of the room, next to the west end, is a wide fireplace with flat head without any mouldings, over which is a small two-light window skewed so as to command a view of the west door of the church. Further east is a large two-light square-headed window, and eastward of this remain two corbels of a series to support the floor above. In the extreme south-east angle are the remains of the quoins of the church, which must have been built complete before this range was erected. In the east wall of the room, next to the church, is a pointed doorway, of two chamfered members, from the cloister, of the earlier work. At the north end of the same wall is a curious doorway from the cloister with a flat cusped head flanked by small pilasters. This doorway entered a small lobby occupying the north-east angle of the room, on the north side of which was the other end of the wall passage

from the guest hall, and to the south are the remains of a small doorway leading to a flight of steps which ascended to the floor above. The room just described was the cloister entry and outer parlour, where the inmates might converse with their friends.

The floor above was the prior's lodging. In the west wall are the remains of a two-light window, similar to the upper part of those in the hall, and this was blocked up and partly destroyed, when the porch was added, by the insertion of a doorway with a flat ogee head to give access to a room over the porch. In the south wall, next to the west end, is a wide flat-headed fireplace with moulded jambs and head, and next to it, in the middle of the wall, is a large two-light pointed window with a transom. At the east end of this wall are two doorways, the one across the angle of the room has a pointed segmental head and the other in the south wall has a square head. The angle doorway seems to have led to a staircase in the thickness of the wall which descended down into the church, the other doorway led to a wardrobe of which the tothing of its west wall remains next to the east jamb of the middle window. In the middle of the east wall is the segmental rere-arch of a square headed doorway which led up to the prior's chapel. This chapel was arranged over the southern end of the west walk of the cloister and was carried upon double chamfered cross-arches 11 inches wide, while the space between them was vaulted with semi-octagonal diagonal ribs. Of the chapel itself nothing remains but the tothing of the side walls. The whole lodging was most conveniently arranged ; the main room was the prior's solar entered by the staircase in the middle of the east side, between the stair and the north wall was a cupboard or

pantry, his bedroom was over the porch, and the stairs in the south-east angle gave him direct access to the church. The arrangement at the foot of the main stairs gave him access to the cloister, or to the guest hall, without going into the cloister, and there was probably also a door direct into the outer parlour.

Externally the western range has a bold plinth of three courses and is capped by a moulded cornice ornamented with ball flowers. The walls are strengthened by buttresses between the windows of the hall and angle buttresses (modern replacements) at the two western corners.

When the care of the ruins was taken over by the Corporation of Birkenhead the south end of this range was found to be in a very insecure condition. The whole was then rebuilt with the old stones which were carefully numbered before they were taken down and reset again in their respective positions.

THE KITCHEN

Over, and now outside, the doorway at the north end of the great hall are grooves for the flashing to a pitched roof which covered a passage, apparently of timber construction, that led northward to the kitchen.

The kitchen must have been a detached building but nothing has yet been found of it, though careful excavation may still reveal its foundations.

Between the kitchen passage and the north west angle of the northern range was an added building, probably of timber, and cupboards have been cut in the walls of the range on either side of the north-west buttress. This was apparently a larder or pantry in connection with the kitchen.

It is much to be deplored that so little interest was taken in the ruins in times past, as, until the beginning of the nineteenth century, the whole site was clear of encroachments. When the present parish church was built to the east of the chapter-house all the original foundations of the priory church must have been found when crossing the new trenches, but no record, so far as it is known, was kept of anything that was discovered. Even yet something may be found when any repairs are required to the floors of the church, and it is to be hoped when such works are necessary advantage will be taken to explore the site and detailed notes made of what may then be uncovered.



PART II

THE MERSEY FERRY

CHAPTER IX

MEDIÆVAL

“Bring them I pray thee....to the common Ferrie.”—*Merchant of Venice*.

AMONGST the thousands who daily cross the broad tidal waters of the Mersey which serve as the lungs of Liverpool, there must be some who, in the few minutes occupied by the ferry passage, have felt a curiosity to know the history of the ferry. There have been few changes within living memory to arrest the attention. The landing places have scarcely altered, and the ferry boat of to-day is hardly distinguishable from that of 50 years ago. Only the grandfathers of most of us could have remembered the introduction of steamboats upon the Mersey. We know the Woodside ferry, and have heard of the “Monks’ ferry,” but, though we have now learnt something of the “wood” and can point vaguely for the “Monks’ ferry” to a coaling slip among the shipbuilding yards, can we say what the monks had to do with a ferry? Some have heard of yet another ferry, the “Birkenhead ferry,” still further south and now abandoned, but do we know why there were once three so near together? We pay our fares upon the Cheshire shore and not in Liverpool whichever way we pass, and we may have heard with surprise that any

profits from the Woodside ferry go to relieve the rates of Birkenhead, not Liverpool. The care of the docks on both sides of the river is in the hands of the Mersey Docks and Harbour Board, but they do not control any of the ferries, the most important ones being in the hands of Birkenhead and Wallasey. Liverpool itself maintains no ferry and yet they all lead to and from it, carrying the poor and rich alike to work or play and back again. It will fill a gap in local history if the reasons for some of these things can be set down, particularly at a time when the urgent necessity of providing better means of crossing the Mersey, either by bridge or tunnel, is attracting public attention.

The importance of the Woodside ferry at the present day may be gathered from the following figures :—

The number of passengers for the last six years was :—

1917-8	—11,180,805
1918-9	—13,567,797
1919-20	—13,587,778 (record for a year)
1920-21	—13,319,277
1921-22	—11,322,358
1922-23	—10,672,557.

The highest record in any one day was on Whit Monday 1918 when there were 92,789 passengers exclusive of the numerous holders of contract tickets.

The figures for vehicles were :—

1919-20	—392,365
1920-21	—422,883
1921-22	—410,334
1922-23	—502,178.

These figures do not of course include the passengers or vehicles using the Wallasey Corporation ferries (Seacombe, Egremont and New Brighton) with which we shall not be concerned here, but they carry approximately twice as many passengers a year as the Woodside ferry ; nor the figures for those using the Eastham, Rock and New ferries.

When we speak of "a ferry," we may mean either the right to maintain a public ferry boat and to charge tolls, or the place where such a boat plies, or the boat itself. A public ferry is a continuation of a common highway, by means of which passengers with their goods are entitled to be carried in return for tolls across a river, either from the termination of one highway to another or from town to town. There must be a right of way at each side as the public can have no claim to be landed on private soil. The ferry right may be one way only or both ways, that is to say, the owner may have the exclusive right of carrying passengers across a river, whichever way they go, to and from a highway, or there may be co-existing ferries, the owner of ferry A being only entitled to carry and charge tolls for carrying from A to B, and the owner of ferry B having corresponding rights from B to A. The latter is an unusual arrangement but it is of importance to understand it in view of what will be related later on.

Ferries were often profitable franchises and in mediæval times control was therefore generally retained in the hands of the king or the "lord" of the locality. This is why, in theory of law, ancient public ferries now found in the hands of private persons are considered, in the absence of other evidence, to have originated by Royal grant or ancient

prescription (which presumes such a grant to have been made). The benefit of the public is the assumed reason for the grant and the grantee in return for his monopoly is bound to keep open and maintain the ferry. The Mersey ferry, at any rate that between Liverpool and Birkenhead, is a chartered ferry, for which evidence of royal grants is available.

It is obvious that the profits of a ferry depend upon the extent to which it is used. A ferry across such a river as the Mersey at Liverpool can have been little resorted to in early days. Liverpool, when its history began, was merely a fishing and agricultural village. Wirral, on the other side, was still longer a wild and sparsely-inhabited region particularly on its eastern side ; there will for a long time have been little through traffic, while the river was broad and often too rough to row or sail across, and the rise and fall of the tides very great. Hence, though there must have been some early form of ferry, it can scarcely have been a source of much profit to the owner. The introduction of steamboats was eventually to change all this and to ensure a regular crossing without waiting for a favourable wind and tide. The growth of Liverpool, and later of Birkenhead and Wallasey, has gradually made the Mersey ferries of enormous value and public importance.

The history of the ferry to and from Birkenhead is bound up with the history both of Liverpool itself, from its foundation as a borough by king John in 1207, and of the priory of Birkenhead from the early fourteenth century, if not before. We shall return to Birkenhead later and deal with Liverpool first. There the tolls of the ferry (*passagium* is the Latin word used in the records), like

those of the markets and fairs, the shilling rents paid by the burgesses, and the profits from the mills and the foreign traders, all formed part of the revenue swept into the nets of the bailiffs and lessees of the "lords" of the town, whose varying receipts no doubt reflected the measure of local prosperity. The story of the struggles, from mediæval days, of the burgesses of Liverpool to rid themselves of these outside interests and interferences, culminating in municipal independence, has been fully written in recent years,¹ and we shall confine ourselves here to tracing out only the history of the ferry.

Without speculating as to still earlier times, there is abundant evidence² from the early 13th century of the existence of a right of "passage" from the limits of the ancient borough of Liverpool across the Mersey, vested in the proprietors of the town, whether the crown, or the earls or dukes of Lancaster. When we say a right of passage, we do not mean a right to be ferried over the river, but a right to charge and receive a toll for doing so. Freedom from toll of this kind was one of the attractions offered by king John in 1207 to his new burgesses of Liverpool, but all others would have to pay for ferryage. From 1256 onwards the profits of "passage" appear more or less regularly among the revenues from the borough. The rent of £10 paid in that year for a comprehensive lease of all royal rights included the ferry, and in 1298, at the time of the death of Edmund earl of Lancaster, the "passage" was worth 22s. 8d. a year. From 1323 the receiver of the revenue

¹ Muir & Platt, *Hist. of Municipal Government in Liverpool*, 1906. The appendix contains some of the evidence for the Liverpool ferry used here.

² *Ibid.*

of the attainted Thomas earl of Lancaster accounted for 56s. 8d., the rent of " the king's boat in Mersey " which dropped in 1327 to £2. The Liverpool ferry will have been in the main carried on for the purpose of conveying passengers going to and from Wirral or Chester by the shortest river passage, though boats seem to have plied occasionally to Eastham, Ince and Runcorn. The bulk of the traffic across the Mersey was probably to and from the public highways radiating west and south through Wirral at the Woodside ferry near Birkenhead priory, and it seems greatly to have increased towards the end of the thirteenth and the beginning of the fourteenth century. The gradual growth of Liverpool and the Welsh and Scotch wars were only some of the causes which must have made it necessary for increasing numbers of persons and soldiers to cross the river at this point, which, to use Leland's words, was *trajectus proximus* at this end of Cheshire to and from Lancashire and the north. In the borough and market-town of Liverpool it may have been possible to house and feed travellers waiting for good-enough weather to cross, but very different conditions existed on the other side of the river where the priory was practically the only building besides a few cottages and barns. The monks, hospitable though their rule must have made them, had not the means either of housing or feeding passengers, and Chester, the nearest market town in which alone supplies of public food could be obtained, was many miles away. The strain of providing, for nothing, even a moderate meal, for several days, to large numbers of wayfarers was too much for the resources of the priory, and both passengers and religious suffered so much in this way that in the early years of

Edward II the following petition was forwarded to his council :—

“Petition of the prior of Birkeheued.

To our lord the king and to his council pray his poor chaplains the prior and convent of Byrkeheued in the County of Chester, which house (*meson*) is situated on an arm of the sea where there is a common ferry (*passage*) between the Counties of Lancaster and Chester, that whereas there is no nor the lodging places (*herbergages*) of a market town for those passing over the water day by day nearer than the town of Chester which is 14 miles away except only of the poor house aforesaid which in full income of land and rents does not possess beyond 200 marks a year, wherefore the said house is so often burdened with so many sojourners that it can no longer endure, and often its houses are not sufficient for all the multitude of those passing and coming to lodge, wherefore the visitors are often in danger of perishing ; May it please our lord the king, for the soul of the noble king his father and the noble queen his dear mother, to grant that they may build some houses as lodgings at the ferry (*passage*) on their demesne land for lodgers, and sell food to passengers there, for the safety of the people and for the relief of the poor house aforesaid.

(Endorsed) Let it be done by the special grace of the king and for the reasons contained in the petition.”¹

As the result, no doubt, of this petition a royal licence issued on 20th November 1317 under which the priory was given leave to construct, on their

¹ Ancient Petitions P.R.O. File 160, No. 7968. The original document, in Norman French, is very faded and dirty and is not dated.

own land by the arm of the sea between Liverpool and Birkenhead, sufficient houses for lodging men crossing the river.¹ This was something but not by any means all the petition had asked for, and some further representations must have been made as the next year, on 20th February 1317-18, a more satisfactory permit² was obtained. This recited the existence of a public ferry (*commune passagium*) from the vill of Liverpool to the priory and from the priory to Liverpool; that on account of changes of weather and tempests passengers from Cheshire to Lancashire turned aside in great numbers to the priory; that at the ferry there were no houses to shelter them nor could they buy food there; that the priory was thereby burdened beyond its resources and travellers wearied and harassed; for these reasons and to provide a remedy the king (Edward II) repeated the licence to construct lodgings, and further gave his consent to the purchase and sale of food for the travellers without molestation by the interference of officials.

The king himself visited Liverpool in the autumn of 1323 and stayed at the castle. Just as when king David was crossing the Jordan "there went over a ferryboat to carry over the king's household and to do what he thought good," so now we learn from entries in the royal accounts of Edward II that the local boats and ferrymen were used in his service. On 23rd October 1323 John the fisherman of Liverpool and six companions, for fishing in the king's presence, in the "Merese" (where fish was particularly plentiful in mediæval days) were paid 14d. Seven days later the king and part of his household were conveyed across

¹ Patent Roll 1317.

² *Ibid.* 1318.



BIRKENHEAD PRIORY
INTERIOR OF CHAPTER HOUSE

the water of Mersey to Ince, by Adam son of William de Lyverpole and John de Mohoun, the boatmen, who received 4s. Two shillings were paid at Halton on 2nd November to Richard by the Wode, boatman of Liverpool, for a similar transit across the arm of Mersey water between Wirral and Ince. The other part of the royal household seems to have gone *via* Runcorn, 6s. being given to Robert Hannessone of Liverpool and five companions for this journey. Hamon de Runcorn received a shilling for ferrying the king across the Weaver, no doubt from Halton, and the king proceeded to visit Vale Royal abbey where on 4th November he offered 7s. at a cross in the abbey church.¹

Edward III who, as earl of Chester, was well acquainted with Wirral and had enclosed and created a park in his manor of Shotwick, was persuaded to grant still further rights to the Birkenhead monks. On 13th April 1330, after confirming the licence granted by his father, and stating his willingness to do still more abundant favour both to the traveller and the monks, the king granted to the priory and its successors for ever, the right of ferry there (i.e. at the priory) over the arm of the sea, for men, horses and goods, with leave to charge reasonable tolls.² It is worth noticing here that the charges made by Richard Praty, the "feremon de Lyverpul," for the passage

1 Excheq. Accts. 379 No. 19.

2 Patent Roll 1330. The important words are *quod ipsi et eorum successores imperpetuum habeant ibidem dictum passagium ultra dictum brachium maris, tam pro hominibus quam pro equis et aliis rebus quibuscunque et pro passagio illo recipiant rationabiliter prout fuerit faciendum sine occasione vel impedimento nostri vel heredum nostrorum aut ministrorum nostrorum quorumcunque salvo jure nostro et alterius cuiuscunque*. The *passagium* referred to is the one recited in the document of 1318.

between Liverpool and the county of Chester had been made the subject of general complaint by the folk of Wirral in October 1318 before the justice at the Eyre held at Backford for the Hundred. His tolls were unfair and beyond measure, a charge of one penny being made when of right it should be a farthing.¹ Thus it would be a great satisfaction to the inhabitants of Wirral that control of the ferry tolls, one way at least, should have been given to the monks.

It has often been stated that the monks had or obtained the right of ferry at various earlier dates such as 1278 and 1282, but no such record has been noticed.² The only evidence that the monks had anything to do with the ferry before 1330 occurs in 1353³ when their ferry rights (amongst other liberties) were challenged. In reciting the licence of 1318 to his predecessor to build houses for travellers at the ferry (*passagium*) from Liverpool to the priory and *vice-versa*, the prior of 1353 inserts the words "quod quidem passagium commune antea habebat." These are *not* in the licence itself. Presumably the prior meant that his predecessor formerly carried on the ferry as a public one without charge and not that his predecessor had held it "in common" with someone else, who could only have been the "lord" of Liverpool. In any event the words, used only twenty-three years after the grant of 1330, are some slight evidence that the monks had previously carried on or had some interest in the ferry, and

¹ Chester Eyre Roll No. 2 m.3.

² The statement is probably based on a muddled paragraph in Gregson's *Portfolio of Fragments* (e.g. 1869 ed.p.164) "communicated by the late Mr. Webster of Croxteth" where the licence of 1318 is dated 1282, and the letters of 1330 are dated 1310.

³ *Ante* p. 25, Ormerod, *Cheshire* ii. 463.

that the grant of 1330 was (apart from the right to take tolls) possibly only a royal confirmation of what they, perhaps without being able, or needing, to produce any authority, had long been doing. If this is so a reason (suggested elsewhere) for the establishment of a priory at Birkenhead may have emerged. It is quite impossible to say whether there was a ferry at Birkenhead before there was one at Liverpool, and probably one from each side came into existence as soon as there was sufficient demand. The boatmen from Liverpool would not wait at Birkenhead, and *vice versa*, and boats would be kept on both sides of the river at the points where the public highway came down to it. Upon the settlement at Birkenhead of the monks they may, as we have suggested on an earlier page, have undertaken as a pious duty the task of ferrying over the travellers from Cheshire, looking for their reward on this earth to the voluntary gifts and offerings of the charitable and well-to-do, and giving their services freely to the poor and needy. When this task became too great for their slender resources and the Liverpool tolls a ground for public complaints, it would be a natural step to seek royal authority to levy tolls themselves and to charge for the food supplied to wayfarers. But it would not be safe to base upon the prior's gloss any dogmatic statement that the priory had conducted the ferry before the grant of 1330. We shall also find that a Wirral jury of 1397 said "a new ferry" had been started by the prior ruling at the former date.¹

As a ferry franchise across the Mersey could, as we have seen, be shown to have been in existence more than a hundred years at least before 1330

¹ Below p. 142.

in the hands of the crown or the earls of Lancaster as "lords" of Liverpool, it was argued in the Monks' Ferry Company case in 1838¹ that, the Liverpool ferry being at the time of the Birkenhead grant of 1330 outstanding in the hands of a subject, it was impossible and illegal for the king to derogate from his own grant by creating another Mersey ferry. We need not stop to consider whether such an argument would have prevailed in the fourteenth century, and the slight evidence for a priory ferry before 1330 which we have just mentioned does not seem to have been noticed in 1838. The facts are that the Liverpool ferry had been granted (with the other rights over Liverpool of Robert de Ferrers) by the crown to Edmund earl of Lancaster in 1266, but his son Thomas joined in the baronial risings against Edward II, and on his treason, for which he was beheaded in 1323, all his rights, including the ferry, passed back to the crown. His brother Henry duke of Lancaster is supposed to have regained all the confiscated estates on the reversal of the attainder in 1327, and the second duke was certainly in possession of the ferry "over the Mersey between Liverpool and Birkenhead" in 1346. If, however, the restoration of the ferry had not been actually completed in 1330, and it had not been leased out by the crown to a subject, it would clearly have been open to the king at that moment to make a grant of ferry to the priory, even although it would compete with that of Liverpool. But we do not suppose the idea of competition ever occurred to anyone in 1330; rather we think what was then granted (or confirmed) to the monks was intended to be a right to charge tolls for

¹ Below p. 172.

conveyance from their priory across the river to Liverpool, and that this was in those days quite a distinct privilege in no way interfering with the right of the lords of Liverpool to levy tolls on the other side on passengers coming the other way. The matter might once have been of great importance for Liverpool but owing, as we shall see, to the slackness or want of foresight of the town councillors, the valuable ferry rights *both ways* have passed into the hands of the monks' successors in title, the corporation of Birkenhead.

At the Forest Court for Wirral in 1357 the prior produced the licence of 1318 and the grant of 1330 in defence of his ferry claims and stated that his ferry tolls were then as follows:—For a foot passenger on a market day $\frac{1}{4}$ d., on other days $\frac{1}{2}$ d. ; for a foot-man with a pack 1d. ; for a man and laden horse 2d. ; for a man and unladen horse 1d. ; for a quarter of any sort of corn 1d. These were considerable sums in those days. The advocate for the royal earl of Chester claimed that the prior ought not to have the ferry because building houses by the priory and running a ferry was to the injury of the game in the forest, and further that the prior's boatmen charged travellers excessively, contrary to the words of the charter. The matter was settled on the 28th May 1358 by the verdict of a jury for the prior on all points, saving the rights of the prince the earl of Chester.¹

Up to 1318 it is clear that the accommodation for travellers at the priory was very limited. The guest hall, if we may judge from the recovered plan, was but a small one, and although only travel-

¹ Chester Forest Roll No. 6 m.16d. The tolls were also given at the *Quo Warranto* inquiry, *ante* p. 26, where the market day tolls appear as double those of other days.

lers of high rank would be housed within the walls, there could have been but little room even for them. The ordinary traveller would have to put up with such lodging as could be found for him in the outbuildings of the priory. The new hostels which the monks were allowed to erect will probably have taken the form of large barn-like halls, perhaps half-timbered or wholly of wood, out of which, down the sides, opened cubicles or partitioned sleeping rooms. These buildings will have been erected at some distance from the priory so that the noise of the travellers should not disturb the religious, and placed under the control of a guest master with some new organisation for supplying meals. The liberty to make charges for the food supplied to man and horse, coupled with the right to take tolls for the ferry, must have considerably improved the financial position of the priory and enabled it to cope more easily in the future with those abuses of monastic hospitality which were often the object of special enactments and enquiries by the crown. We hear little more of the monks' ferry for some time and can only suppose that they carried it on from their side simultaneously with that conducted by the lessees of the Liverpool ferry without seriously interfering with each other.

A petition to the king by the burgesses of Liverpool, undated but probably about 1325, refers to the common ferry at the town, between the counties of Chester and Lancaster, and states that Liverpool was so deep in mire that neither carts nor horses could pass in winter time without risk of great damage. The burgesses asked for a grant of "paveage" for the repair of the town for a period of seven years or more. The king

wished to know to whom the town belonged before stating his will.¹ There are a number of these grants to Liverpool from 1327 onwards of leave to charge special tolls on all articles and produce sold within the town in aid of the paving of the streets and highways.²

In 1346 "the boat and passage" between Liverpool and Birkenhead represented £3 out of a total rent of £24 for the revenues of Liverpool payable to Henry duke of Lancaster. Later leases of the town in 1348 to John del More, in 1357 to William, son of Adam of Liverpool, and in 1393 by John of Gaunt to Thomas del More, included the ferry and the "usual" tolls. That the actual profits from the ferry were considerably more than the rent paid for the right to work it may be inferred from the regularity of the leases.

The ferry "between Claughton and Liverpool" was the scene of the murder of Richard son of Simon de Becheton on Saturday October 31, 1355 (a Liverpool market day). Henry de Molyneux and John de Brocton actually killed him, although the plot was said to have been laid by William de Stanley, Robert de Becheton and John de Lasselles. Thomas de Hockenhull received the murderers in his house at Church Shotwick.³ Thomas son of William le Shepherde, mariner, stole the prior's boat (worth 20s.) at Birkenhead on 10th January 1362-3 and took it out of the county.⁴ John de Hole of Liverpool did the same in 1364.⁵ The plying of two ferry boats across the Mersey from

¹ Anc. Petitions P.R.O., File 257 No. 12826.

² Baines, *Liverpool*, 140, 143, Muir & Platt, *Hist. of Municip. Govt. in Liverpool*, 46, *Cal. Pat. Rolls, Report of Select Committee on Shipping Charges* 1856 etc.

³ Chester Indictment Roll No. 4 m.4.

⁴ *Ibid.* m. 14.

⁵ *Ibid.* m. 16.

Bromborough without licence, and of two at Eastham, was the subject of indictment in Cheshire in 1365,¹ and also an extortionate charge of 2d. taken in 1359 from Thomas de Seynesbury by Adam Traye the "feremon" of the prior.² In the course of an inquiry made in February 1396-7 into a number of outrages upon the Lasselles family at Liscard and Seacombe, it was stated that Thomas Lasselles and his ancestors had from time immemorial a share in a ferry, with boats, from "the high street" which ran through the country (*patria*) of Wirral to the ferry at a place called Tokesford. (This ferry no doubt was across Wallasey Pool). At the time of the inquiry the shares in this ferry had been taken into the hands of the earl of Chester because John Lasselles, father of Thomas, and the other parceners had not taken the trouble to present their claims properly before the court sitting in eyre, apparently long before, to inquire into such liberties. Meantime the religious of Birkenhead had, it was said, established "a new ferry" under the wood of Birkenhead to the injury of the Lasselles' rights. The jury said this ferry had been started in the reign of Edward III by Robert de Bechynton, a predecessor of the present prior Roger de Tiddesbury.³ Robert was prior at the time of the grant of 1330.

On 23rd August 1414, when William de Stanley, servant of the "lord of Furnyvale" (John Talbot afterwards earl of Shrewsbury) was crossing the ferry between the priory and the town of Liverpool, he was assaulted by a band of at least 200 men, including some "shipmen" of Liverpool, headed by both Sir Henry Norreys of Speke and

¹ Chester Indictment Roll No. 4 m. 17.

² *Ibid.* No., 5.

³ *Ibid.* No. 4 m. 41d.

Richard Bold of Bold. They took his bay horse (value £5) a bow and 14 arrows (value 3s. 4d.) and a great boat called a "barge" (value £10) belonging to John de Stanley. Many of the party were fined in Cheshire.¹ The owner of the "barge" was doubtless Sir John Stanley who had recently obtained leave to embattle his house, afterwards known as the tower of Liverpool, at the bottom of Water Street. The river then washed the walls of the tower and the barge will have been his private boat in which he crossed the Mersey on the way to his newly-acquired manor of Bidston or paid a visit to his Isle of Man.

In December 1402 Lawrence de Ruthin, Henry de Hole and John de Hole came with force to the ferry of "Byrkeved" where Lawrence beat and wounded John de Ireland the ferryman, and they afterwards laid in wait and maltreated so many people of Liverpool that none dared to come that way.² John son of William de Ireland the ferryman came to the priory on 5th November 1405 and stole one of the boats value 10s. which he took across the river, and also carried away a "thele" (or plank) worth 6d.³

The local records of Liverpool for the fifteenth century show that members of the influential Crosse family were often in control of "the Liverpool boat," either as bailiffs or lessees. The burgesses themselves also "farmed" the ferry or sublet it. In 1449 William Gaitherde paid £3 8s. od. for a yearly lease, and six years later the profits from "the boat" were included in a rent of £17 6s. 8d. paid for all the royal rights in the

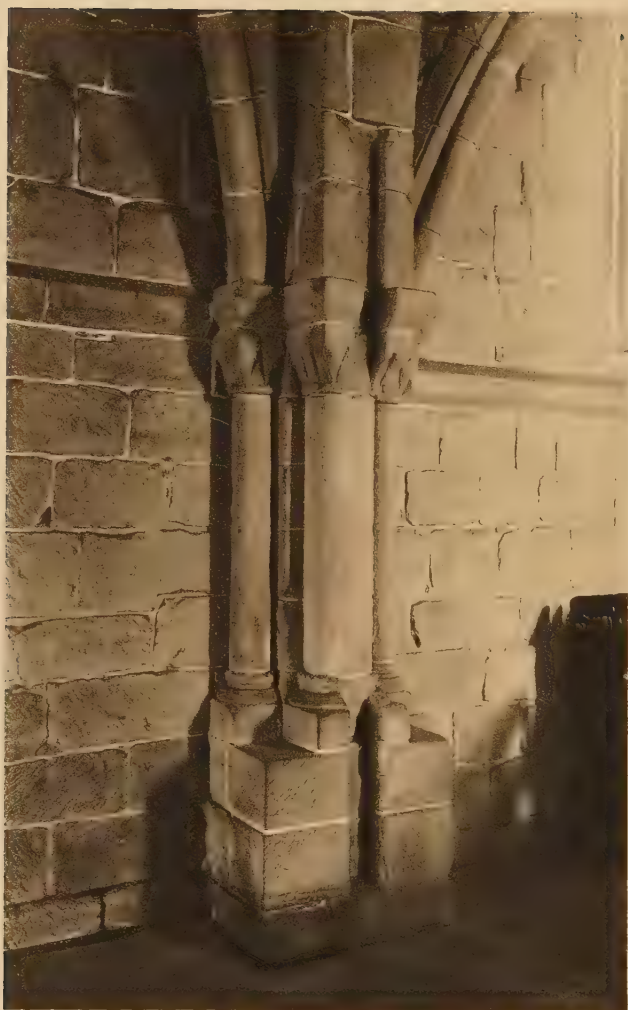
1 Chester Indictment Roll No. 11 m. 3d.

2 Chester Indictment Roll No. 10 m. 12.

3 Chester Indictment Roll No. 9 m. 49.

town. This fell in 1460 to £14, of which we find the bailiff only accounted for £11, the balance doubtless being paid over to John Best, a page of the chamber to Edward IV, to whom for his faithful services the king had given the profits of "le Ferry de Litherpole" for life. From Richard III "our beloved servant Richard Cook" obtained a similar grant of the ferry and without any rent, but this was altered by Henry VII who made him pay the usual £3. Henry Ackers who held several leases of the town from Henry VIII, sublet to the burgesses "the customez, tolles, fleshamblez and ferry boate with all sailez and cablez," the boat to be redelivered well apparelled and upholden, or else another boat as good.

Two documents of about this date refer to the royal ferries at Liverpool and Runcorn. The first is an order addressed in 1529 by the king to the mayor of Liverpool. This recites the royal ownership of two ferry boats for the passage of his subjects and their necessities upon the water at his towns of Liverpool and Runcorn and that no person had hitherto made any conveyance or passage at either of such ferries except the royal lessees and keepers of the ferry. But divers fishermen and others had lately begun to ferry persons between the two towns "not only to our dysheryson but also to the utter undoyng" of the lessees. Proclamation against this was to be made in both Liverpool and Runcorn and any title set up of a ferry right to do so was to be investigated by the chancellor of the Duchy of Lancaster. The next year Henry Ackers, the royal lessee of the Liverpool ferry, complained to the chancellor that certain persons with three boats had been usurping the ferry rights at Liverpool



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and Runcorn so that Ackers could not make enough to pay his rent.¹

The Molyneux family's lengthy tenure, under the crown, of the lordship of Liverpool began in 1537, and from 1539 the local revenues or parts of them were frequently rented back to the burgesses who at one time leased a half share in the ferry boat, while Edmund Gee, a prominent Chester man and a great Liverpool merchant, held the other.

1 Muir & Platt *loc. cit.* 403-4.

CHAPTER X

THE 16TH AND 17TH CENTURIES

THE Woodside ferry was, as we have seen in an earlier chapter, one of the assets taken from the priory at its dissolution, and in the accounts of the bailiff in charge in 1536 at Birkenhead, we find the profits of the ferryhouse and "the feribote" were valued at £4 6s. 8d. It was then leased by Ralph Worsley who a little later acquired it outright with most of the local estates of the priory.¹ About 1552 Worsley found that some of his valuable rights derived from the priory were being affected by the actions of his neighbour, the lord of Tranmere, against whom he launched proceedings in chancery.² The defendants were John Minshull and his ferryman, John Bromborough. Worsley's claim was of course based on his succession to the monks who, he said, enjoyed the use of "one great water called Birkett Pool," and had an exclusive ferry between the priory and Liverpool, worth to the priors some £5 a year. They had also from every person who set up "fishyards" in Birkett Pool, all fish caught therein every Friday at the first tide called the "lord's tide," this being "verrye moche to their commodytie and profett." Worsley alleged that the defendants had got hold of some of the priory deeds and documents and had not only entered upon divers parts of the manor of Claughton but had set up a rival ferry

¹ *Ante* p. 97.

² Early Chancery Proceedings (P.R.O.) bdle. 1319, partly pr. *Cheshire Sheaf*, Series I, vol. ii. 253.

³ i.e. the catch of fish claimed by the prior as lord of the manor of Claughton.

to Liverpool, and also a fishyard on Birkett Pool, taking all the fish, including those caught on the "lord's tide." The defendant John Minshull's reply to all this was that his ferry was the ferry of "Secum" which had been leased by the crown in 1541 to one William Bromley and transferred to Minshull. Bromborough's answer was that he was only the ferryman. As to the fishyard upon Birkett Pool they said that this water, time out of mind, had been known also as "Raynolde's Pool" (and by another name now illegible). Minshull said his manor of Tranmere lay on the east side of that part of the river which Worsley called "Birkett Pool" and that he had the right to fish there from the east side of the channel in the middle of the river within the bounds of his manor. As to the priory deeds he had not got any. Worsley replied by alleging that the liberties of the priors' ferry boat extended to all places between a water or creek called Wallasey Pool in the west, unto a certain water or little creek called "Gonell's Pool" in the east adjoining the Mersey; and that the priors' boats alone used to carry passengers and goods to and from the priory and to and from the lands lying between those points. The Seacombe boat always used to take freight to and from the west side of Wallasey Pool only and from Seacombe to "Lytherpole," and never within the limits of the priors' ferry. The defendants had often brought their boat into "Birkenhede Pool" which lay between Wallasey Pool and Gonell's Pool and landed passengers there. Worsley denied that Birkenhead Pool had any other names. The result of this litigation is not on record but we know both the Woodside and the Seacombe ferries continued to

exist side by side. The case is incidentally of interest as there are other references to "Gonell's Pool" which do not make it so clear that it was a creek in that part (probably the head) of Tranmere Pool which used to run in between Birkenhead and Tranmere for nearly a mile, and is now covered roughly by the gas works and the area between Green Lane and Birkenhead Central Station. Birkett Pool, we are told, lay between Wallasey and Gonell's Pool and must have been the name for that part of Tranmere Bay immediately to the south of the priory, or, less likely, a creek on the north side of the headland used for the monks' ferry.

Turning again to the Liverpool ferry, from the sixteenth century onwards there is abundant information about it in the town records.¹ The burgesses found it difficult to control their sub-lessees and their boatmen, and often required bonds to be entered into, with sureties, that the ferry should be properly conducted. In 1572 we find this order* :—

"He that hath charge of the ferie boote in yerelie rent shall not let the same ferie boote frome hensforthe goo labor and carie from this towne to Chester, Eastham, Weryngton or other like creakes and landyng places wythowt the speciall licence of Mr. Maior (for the) time beyng, in payne of everie tyme soe offendyng to the contrye xx.s. . . . They feirimen of this towne shall serve all maner of men, women, and other person lawfull, willyng to goe over this water, according to the old auncient custome etc. ; and if the wynd

¹ Some of the documents and orders referred to are printed in the *Liverpool Town Books*, ed. Twemlow, vol i. and in Touzeau's *Rise and Progress of Liverpool*.

Touzeau, *loc. cit.* i. 84.

and tyede doe not serve, they people that goith over shall hyre rowers to carie them over, and to pay 4½d. for their feyrie if it be but oone person, and soe after the rate of people so goyng over accordyng to auncient custom ; and for comyng over, let theym come as they mey homewardes."

Robert Corbet, alderman and ex-mayor, the lessee from the town of the ferry in 1575, was fined for "extortioning" the ferry and also "for that the ferrie boat doth not serve orderlie but is often tymes unreadye as well for lack of good servants and laborers as otherwise." In 1576 it was necessary to lay down that no person using any ferry boat was allowed to fish therefrom but to attend to his business only, on pain of a fine of 40s.

The town's charter of 1229 had granted to the burgesses freedom from toll and "passage," which probably meant that up to the time of municipal reform, if the town had then been running a ferry, a freeman of Liverpool could have claimed to be ferried across for nothing. That this was the view of the town council in 1577 appears in the following order¹:—

"No free burgess inhabiting or dwelling within this town shall pay any money for his going over this river or ferry of Liverpool in the ferry boat of the same town, but.....for ever hereafter to be free of this ferry going over as well for his and their own person or persons as also for his and their wife, wives and families, and that the ferrymen shall be as ready without any grudge or contradiction to carry them and every of them into the boat.....without money as heretofore hath been accustomed for their money

¹ Touzeau, *loc. cit.* i. 103.

Provided that (they pay) for every horse $\frac{1}{2}$ d. and for all other beasts, cattle, "fardells" (loads) or packs as heretofore hath been accustomed." In 1584 this privilege was extended to every householder and his family, and they were entitled to be carried "into and out of the boat." The ferryman was presented at the Port Moot court a few years later for taking tolls from divers free-men contrary to this order.

A reference to the priory ferry occurs in 1584 when the town council of Liverpool decided that the ferryboat of "Birckhed" ought not to take or receive any commodity from the ferry of this town, nor ought any other boat on the other side. The owner of the Woodside ferry was evidently working in active competition with the Molyneux' Liverpool boatmen and the matter later reached a stage when action had to be taken.

In 1626 proceedings¹ in the chancery of the duchy of Lancaster were commenced by the attorney-general of the duchy, at the instance of Sir Richard Molyneux, against Thomas Powell, then the owner of the Woodside ferry, and two of his ferrymen. The plea was that the king, in right of the duchy of Lancaster, owned a ferry from Liverpool over the Mersey to and from a certain place called Birket Wood and to all other places on the Cheshire side. Sir Richard held this Liverpool ferry under a lease from the crown of 10th May 1604 and complained that Powell had interfered with the enjoyment of his ferry, had made and used ferry boats, and had claimed the right to ferry passengers with freight to Liverpool, and *to take them from Liverpool*, without com-

¹ See *Pim v. Curell*, 6 *Meeson and Welsby's Reports* p. 234 and below p. 172.

pensating the crown or its lessees. It appeared that Powell had commenced several suits against Molyneux and others in the Court of Requests and obtained orders and injunctions which, it was said, entrenched upon the rights of the crown and the duchy. It was stated that Powell's ferry boat was laden at Liverpool by sufferance of the lessees of the "king's ferry"; also that the owners and lessees of the rival ferries had for nearly twenty years before mutually accounted for the tolls and profits and made allowances to each other, e.g. Powell's ferry allowed half the tolls for the freight laden on the Liverpool side and landed in Cheshire, and the lessees of the Liverpool ferry had likewise made some allowance for the freight laden on the Cheshire side and landed in Liverpool. Powell's ferry also had to reckon with the Wallasey ferry for passengers and goods laden at Wallasey. Molyneux asserted that the liberties of the manor or town of Liverpool had always been reputed to extend "to the full sea mark" on the other side upon the confines of Cheshire, and the town's water-bailiffs had been accustomed to serve their precepts, levies etc. on the river Mersey as far as that sea mark, in suits brought in the town courts of Liverpool. The final result of the case, if any, does not appear. The court seems to have ordered the sharing of tolls to continue, with weekly accounting, but whether this was a final order and admitted the respective rights of ferry or not, is not clear. Powell said it was only of late years that his rights had been encroached upon by the Liverpool ferrymen and previously the sole ferrying across the Mersey had been done by his predecessors in title. This can hardly have been the fact except perhaps for the period of his

memory. Some of the depositions on behalf of Molyneux have survived¹:—

JOHN JUMPE of Liverpoole, sailor, aged 60, had known the king's ferry by that name as long as he had dwelt in Liverpoole, that is for forty years and above. The boat had taken passengers and goods from Liverpoole side to Birket wood and *vice versa*. Powell's boat had also taken passengers and goods from Liverpoole to Birket wood, but at the sufferance of the farmers of the king's ferry; Powell's boatmen had accounted weekly to the farmers of the king's ferry for one half of the fares. Deponent himself was a workman in the king's ferry boat for 24 years and that was the usage all that time, and as he believed for time out of mind. If the occupiers of the Birkett boat had not paid, the occupiers of the king's ferry would have stopped them. The various farmers of the Eastham boat, Tranmore boat, Wallasey boat and Birkett boat, being all on the Cheshire side, did usually reckon and pay to the farmers of the king's ferry for such "fraught" and passengers as they took in upon the Liverpoole side and carried to Cheshire. While he was employed on the king's ferry the farmers of the Birkett boat also paid half the receipts for goods etc., taken on the Wallasey side to the owners of the Wallasey ferry; but he left the service 17 years ago and since then he believes disputes have arisen and an agreement has been made that the Birkett boat shall take nothing on the Wallasey side. As to the limits of Liverpoole liberties he has several times known the water bailiffs of the

¹ Duchy of Lancs. Deps., Ser. II, bdlc 78, No. 16. The King at relation of Sir Ric. Molyneux v. Thos. Powell, Thos. Smith and Wm. Holte. The depositions were taken at Liverpool 30 Sept. 1628.



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CHAPTER HOUSE FROM NORTH-EAST
FROM A DRAWING BY CHARLES PELL, 1913

town arrest and fetch over barks or the sails or furniture of the same from the Cheshire side, which rode at anchor there, and enforced the owners of the goods in those barks to pay their customs to the town of Liverpoole ; but he never knew or heard of any custom paid to them on the Cheshire side. As to the profits he deposed that while he was serving on the king's ferry, they had on the weekly accounts about 20s. at each of the yearly fairs and at other times an average of 5s. a week.

RICHARD RICHARDSON of Tranmore, husbandman, sometime servant to the defendant Thomas Smith and other farmers of the Birkett boat, aged 60, deposed in favour of the king's ferry ; he had known the custom for 50 years and more. He had several times been hired to labour on the Birkett boat, sometimes by the quarter, sometimes by the day, and had at other times often used this boat to cross in. His father also was a ferryman on the Birkett boat for twenty years together, before deponent's time. It was always the custom for the Birkett boat to account for half the fares to the farmers of the king's ferry. It also accounted to the owners of the Wallasy ferry for goods etc., laden on Wallasy side.

THOMAS ROBINSON of Tranmore, carpenter, aged 60, deposed as to the practice of 30 years. He knew that the occupiers of the Birkett boat (now belonging to Mr. Powell) accounted divers times, twenty years ago, to the occupiers of the boat called the king's ferry, on account of goods etc., taken at Liverpoole; they paid half of all the "vailes" and profits. The same was the case with the Eastham, Tranmore and Wallasy boats.

PETER SMITH of Birkett, sailor, aged 44, also deposed as to the Eastham, Tranmore and Birkett boats accounting to the king's ferry for goods etc., taken at Liverpoole. The Birkett and Tranmore boats paid half; the Eastham boat having a longer passage, paid a quarter. But for five or six years past, he and his brother the defendant Thomas Smith, being occupiers of the Birkett boat, no accounts have been made between this boat and the king's ferry. They have paid and now pay half the receipts for goods etc., taken on Wallasy side to the owners of Wallasy ferry.

RICHARD RYDINGE of Liverpoole, ferryman, aged 50, also deposed as to the payments by the Birkett boat to the king's Ferry. His father was ferryman of the Birkett boat for twenty years together and he helped his father therein. They left the boat to Peter Smith who married deponent's sister. Deponent has rowed in the Liverpoole boat, and was occupier of Tranmore ferry for seven years and is now a partner in Eastham boat; he has also been hired to work in Wallasy boat.

RICHARD LYLE of Liverpoole, yeoman, aged 60, had known both relator (Sir Ric. Molyneux) and defendants since their infancy. He was born in Liverpoole and had continually dwelt there and deposed in favour of the complaint as to the ferry usages. He also deposed as to the limits. He had been water bailiff of the town for several years and as such had arrested barks riding behind the channel and on the Cheshire side of the river, and taken the sailcloths to force the owners of goods to pay the customs or other duties to the townsmen of Liverpoole.

WILLIAM JUMPE of Liverpoole, sailor, aged 80, had known the custom of the ferry for 60 years,

he being a seaman and dwelling in Liverpoole. He had himself been an owner and partner in the king's ferry for many years, as tenant to Sir Richard's father, who was farmer under the late queen Elizabeth and king James. The occupiers of the Birkett boat had several times been arrested by the serjeant of Liverpoole at the suit of the farmers of the king's ferry for not accounting for the payments due. He had himself caused such arrests to be made also of the occupiers of the Eastham, Tranmore and Wallasy boats for the like reason. The part of the River Mersey on which all the boats ply is known as Liverpool water, never as Cheshire water. He had gone with the Liverpoole bailiffs to compel barks riding at anchor on the Cheshire side of the channel to come into Liverpoole.

EDWARD MOORE of Banckhall, esq., aged 55, deposed that the ferry had for forty years been known as the king's (or queen's) ferry; he had heard it was once called the duke of Lancaster's ferry. He also knew that the Birkett boat had always paid the half of the fares etc., for passengers and goods taken on the Lancashire side. The king's ferry and its profits were at one time sequestered and let to deponent's late uncle by Sir Gilbert Gerrard, Master of the Rolls, to whom was committed Sir Richard Molyneux kt. and baronet, lately deceased, during his minority, and likewise by the said Sir Richard when he came of age. Deponent had been several times mayor of Liverpool and had cognizance of suits (for payment of ferry money) brought in the court there. John Hockenhull, sometime of Prenton, esq., father of deponent's wife, and some others, killed two gentlemen on Cheshire side, within but near to

the full sea mark ; for which Mr. Hockenhull, having great kindred and friends in Cheshire, laboured (as deponent had heard) to have his trial in Cheshire. But he could not obtain this, being enforced to receive his trial at the castle of Lancaster.

EDWARD NICOLSON of Liverpoole, mariner, now farmer to Sir Richard Molyneux for the king's ferry, deposed as to the loss caused by the occupiers of Birkett boat refusing to pay the moieties claimed—about £10 a year. Robert Rydinge, who was the farmer of Birkett boat for many years, offered to pay that sum to be quit of all accounts.

The following undated petition¹ shows how the general public viewed the matter :—

“ Wee your Majesties most humble and loyal subjects doe in all humblenesse informe and certifie your highnesse that (beinge inhabitants and dwellers within your countie Palatyne of Chester and neare to the river of Mersey) wee doe know that Tho. Powell of Birkenhead, esq., and his ancestors and those whose estate he hath in the manor or late dissolved Priorie of Birkenhead, have had and used a ferrie from the said manor or priorie over the said river to Liverpoole and from Liverpoole to the said manor or Priorie, and that there hath also beene ust a ferrie from Liverpoole to the said manor and from the said manor to Liverpoole ; that we have heard and beene crediblie informed that auncientlie the owners of the said severall ferries and their servants or farmers thereof did use to carrie and transport passengers and their goods at reasonable rates and were readie and

¹ Harl. MS. 2010, fo. 173 (11). There is also a petition by Powell himself against Molyneux' servants (fo. 172 (9)). I owe these references to Mr. W. F. Irvine.

willinge for to take.....and transport them as their occasions required to the marketts or uppon other occasions ; that there beinge afterwards a composition or aggrement by some servants or farmers of the said severall ferries to make a..... betwixt them of what shall be taken by both the said ferries, they have thereupon inhaunced the.... fares, and also (knowinge that each of them shall have the halfe of what thither goeth) they refuse to take in or transport anie.....but at such tymes and such rates as themselves please, whereby divers your Majestie's subjects are to their great charge and expence.....forced to stop for want of passage and are disappointed in their occasions, and forced to pay more than of right they should ; and we doe further humblie certifie your Majestie that wee conceive that your Majestie's subjects and passengers there would bee more credible and better served if the said composition were dissolved and each of the said severall ferries to have and enjoy their own severall passages, which wee humblie submitt to your Majestie's wisdom and consideracion, and rest (etc.) ”

We have seen that at the beginning of the seventeenth century lord Molyneux held the Liverpool ferry under a long lease from the crown of the whole lordship of Liverpool for which he paid a total rent of £14 6s. 8d. It is also well known that in 1628 king Charles I, in return for enormous loans to himself and James I by the citizens of London, transferred to them (with many other estates) the crown's reversion in the royal rights over Liverpool, including the ferry and its revenues. The crown stipulated for the rent of £14 6s. 8d. to be continued so that, as the citizens of London, who now became the new

“ lords ” of Liverpool for a few years, would receive that amount from lord Molyneux and pay it over to the crown, they do not seem to have gained any immediate advantage. In 1635 lord Molyneux bought them out for £450 and thus himself became “ lord ” of the town subject only to his rent. He appears to have been met with difficulties over the ferry boats and windmill, as in 1638 he entered an action in the Court of Wards against the town for their recovery. A temporary arrangement between them was interrupted by the Civil War in which lord Molyneux took an active part as a royalist, and a petition to the Commonwealth resulted in the town obtaining from the Parliament the following order¹ on the 1st October 1646 :—

“ Whereas a Wyndmillne and Ferrieboats formerly belonging to the Corporacion of Liverpoole were lately in the possession of Richard, lord Molyneux, who is in hostility against the Parliament, and by his power with the lord Cottington (late Master of the Court of Wards and Liveries) brought a vexations Suite against the said Corporacion, to their great damage and impoverishment. And whereas all the writings and auncient records belonging to the said Corporacion, were taken away when that towne was taken by the enemy ; considering the exceeding great losses and sufferings of that said towne, and to the end that the auncient rights of the said Corporacion may be restored, and those priviledges whereof they are, and long have beene, in possession, may be continued and remaine inviolable : The Lords and Commons assembled in Parliament doe order and ordayne, and be it ordered and ordayned, that

¹ Touzeau *loc. cit.* i. 205.

the said Corporacion shall have, hold and enjoye the said Wynd Milne and Ferry Boats and the Rent of xx. li. p. annum formerly paid by the said Corporacion to the said lord Molyneux, till both Howses take further order. And it is hearby further ordered and ordained that all other the rights, powers, priviledges, lyberties and franchise-ments whatsoever containd in the charters of the said Corporacion shall be, and continue, to ye said Corporacion, saveing to the King's Majestie, his heires and successors, and all other person and persons, bodies pollitique and corporate (other than the said lord Molyneux and his heires) all their rights, tolles, and interests whatsoever."

Upon getting this order (which only affected lord Molyneux' rights during the Commonwealth) the Council appointed Mr. Richard Tarleton overseer of the boats, he to be accountable and to employ ferrymen, the bailiffs to give him a competence for his pains. The Liverpool ferry was shortly afterwards let out for £13 a year. In 1654 the lessee of a half interest was paid £8 for his share, he allowing two stone of oakum and some pitch. The boat was to be trimmed up and relet for £12 at the accustomed fares of one penny for a man and two pence for a horse and rider. There were two boats in use in 1655, the old one with new cables, anchors &c. being valued at £16 and a new one at £22 5s. od.

During the Civil War Birkenhead and the Woodside ferry were objectives of both parties in relation to the siege of Liverpool. About Christmas 1643 Colonel Sir Thomas Tyldesly and others of the cavaliers who were gathered in Wirral "kept a guard about Berket Wood over against Liverpoole, having ordnance with them soe that they could

and did shoot over the river into Liverpoole towne.”¹ But in the autumn of the following year the archbishop of York writes from Chester to the marquess of Ormonde “Worrall is all lost to the enemy and plundered to the ground by sir William Brereton,” and another of the marquess’ correspondents, writing on 23rd September 1644, tells us “This last night the enemy possessed themselves of Berkett House in Worrall wherein we had a small garrison for the securing of the passage from hence to Liverpoole which will now be much more streightened than formerly and I am afraid will not last long.”² The victorious Parliament proceeded to seize the estates of sir Thomas Powell who as a royalist was classed as “malignant,” and to extract from him a fine based on their value. Birkett ferry on Liverpool water, and his lands in Claughton cum Grange and Tranmere were then assessed at £137 18s. od. as against “a late value” of twice as much.³ Considerable damage no doubt was done to the priory buildings in these days. The Commonwealth sequestrator of forfeited estates in Wirral reported that some of the Birkenhead demesne lands could not be let on account of the great scarcity of cattle through the enemy’s plundering. Captain John Glegge’s troop had been quartered in Claughton Grange. Peter Smyth paid £5 for the ferry boat and The Little Wood, and Henry Moores £3 for the water mill. The sequestrator disbursed £2 18s. 3d. “for a tenth taken forth of the monastery at Birkett” and £10 3s. od. for quartering fifty-eight troop horses there for lieutenant-colonel James Clot-

¹ *A Discourse of the War in Lancashire* (Cheth. Soc.) 44—5.

² Carte, *Ormonde Letters* (1739) i. 65 &c.

³ *Cal. Committee for Compounding* 13 Mch. 1646—7.



BIRKENHEAD PRIORY
CHAPTER HOUSE FROM SOUTH WEST
FROM A DRAWING BY CHARLES PELL, 1913

worthy for seven days.¹ Incidentally we learn that in 1648 several troops of horses going to Ireland were quartered for a week or more at the house of the ferryman John Smith of Birkett Wood, then deceased, and in the confusion and distraction which they caused, his widow mislaid her husband's will and the inventory of his goods which included one ferry boat worth about £20.² The township of Wallasey was charged with taxes towards the upkeep of this parliamentary garrison at Birkenhead and the maintenance of the cavalry under the command of sir William Brereton and colonel Moore.³

About this time disputes were taking place between the Woodside ferry men and the Liverpool burgesses who made the following order⁴ in April 1646 :—

“Whereas complaint is made by the farmers of the Ferrie boats belonging to this Towne, that those boats which belong unto Cheshire syde doe ingrosse all the passage to themselves on both syds the ryver contrarie to former usage and customs. It is therefore ordered by this Assembly that from henceforth the Ferrie Boats belonging to Chesheire syde may take in the first loading there ; And that the Boats belonging to this Towne shall lykwise have the first loade on this syde, mutually, at the fares (fairs) and Markett days only, as formerly hath beene accustomed ; provyded that they be readie and dilligent to serve, and taking only the due and accustomed pay for

¹ Harl. MS. 2108. fo. 37, 56 &c. I owe this reference to Mr. W. F. Irvine.

² *Wirral Notes and Queries* i. 57.

³ *Cheshire Sheaf* III. vol. ii. 15.

⁴ Touzeau, *loc. cit.* i. 205.

their fare, and noe more, at their perills, they haveing notice of this Order."

Shortly after this the Commonwealth sequestrator, by whom sir Thomas Powell's Woodside ferry had been seized, wrote to Liverpool to complain of the town boats taking passengers there on fair and market days and landing at "Parkside." (i.e. on the Toxteth Park side of the Pool, outside the boundaries of the borough). The reply was that Mr. Chambers should repair to them on behalf of the town and give this answer, (1) that it hath been an ancient custom time out of mind used that the boats belonging to this town shall take in the first freight on this side of the river on fair and market days only, and "Worrall boats the same liberty is for them on Cheshire syde," (2) that they are not to land any passengers at the "Parkside" or elsewhere unless they be forced thereunto by stress of weather but to land them all at this port by reason of the town's tolls and customs.¹

We hear little more of the Woodside ferry for a considerable period but it crops up again in 1760 when a memorial by the persons frequenting the town and markets of Liverpool was presented to the council on the subject of the illegal charges and extortions of the lessees of the Cheshire ferries. It was resolved to approach the proprietors and take measures for redress. The matter for complaint is probably explained by proceedings which Mr. Price, then owner of the Woodside ferry, commenced in 1773 in the King's Bench against Robert Ellison to recover one penny, a toll which he claimed to exact from each person landing within his manor of Birkenhead. The town

¹ Touzeau, *loc. cit.* i. 205.

council of Liverpool apprehended that this was illegal, and would greatly affect and prejudice the trade, interest and commonwealth of the town, and decided to have the testimony of ancient witnesses perpetuated. Price however abandoned his claim and paid Ellison's costs.

According to some notes¹ by an old boatman, alderman Cleiveland had built the Woodside house in 1715-6 and the quay in 1717. At this time Thomas Barton held the Liverpool town ferry under lord Molyneux, and his boat was driven away from the Woodside quay by Cleiveland, who said he would have no pickpocket boats and had sufficient of his own. The Woodside boat used often to be lent for the Eastham ferry and to the Seacombe ferry on the occasion of Wallasey races. The tolls between 1720 and 1771 were as follows :—passenger 1d, cheese 1s. a ton, man and horse 6d., sheep 4d. a score, cow 3d., sacks 1d. each, butcher's horse 4d., baskets and parcels free. There were four ferrymen and three boats in 1716-7, and six men worked on Saturday, besides the master of the ferry. The wages were 5s. a week for each man. In 1807, at the Woodside ferry, "the fare for common people is 3d., from others 6d. is expected. Boats may be taken (from Liverpool) at any time of the day across the river. The fares depend upon the stipulation made with the boatmen who are liable to impose on strangers."²

The Woodside slip in 1822 was near the site of the present lairages. It was very small, composed of large boulders and planks, and at low tides the passengers had to wade or ride on the ferrymen's backs.

¹ Sulley, *History of Birkenhead*.

² *The Stranger in Liverpool*, 1st ed. (1807) 124-5.

CHAPTER XI

THE 18TH AND 19TH CENTURIES

WE must now go back to the Liverpool ferry. After the Restoration continual disputes took place between the Molyneux family and the burgesses over the lordship rights and eventually in 1672 lord Molyneux agreed to lease to the burgesses, for £30 a year, all these rights except his interests in the ferry boats and tolls and the burgage rents, of which the town did not get possession for nearly 100 years, though with those exceptions they thus practically became their own "lords" and masters. In 1671 the crown had sold the rent of £14 6s. 8d. still payable to them by the Molyneux family to one John Farnworth for £250, but as he in fact purchased on behalf of lord Molyneux, the latter thus redeemed this liability.

The next important step to be recorded was in 1777 when for the sum of £2250 the town bought up the reversion of all lord Molyneux' rights, extinguished the rent of £30, and at the same time purchased from him the Liverpool ferry and its boats, then worth some £20 a year.¹ Thus, after many hundreds of years, Liverpool got rid of its overlord and also came into possession and full control of (amongst other things) the ferry with all its future possibilities by way of revenue.

¹ This important document is given in the appendix pp. xxv—xxix, to *Report of the Proceedings*, Corporation of Liverpool v. Bolton, 1835, and also in the *Report* named below p. 167 n.

But for reasons difficult to find at the present day, the corporation of Liverpool, as such, has now no share in the ferry passenger tolls, a small sum only being paid by the Birkenhead corporation to the Mersey Docks and Harbour Board out of the tolls on the *goods* traffic alone.

It is, admittedly, easy to be wise after the event, but the freemen of Liverpool cannot be acquitted of serious want of vision and foresight in this neglect of their ferry rights. The expansion of commercial Liverpool in the last half of the 18th century and the early years of the next was amazing and had placed it among the wealthiest towns in England; so, while it is true that there was then no clear indication of the subsequent rapid growth of Birkenhead, both commercially and as a place of residence, or of the enormous traffic by the railways, it surely did not require much imagination to foresee the importance of maintaining Liverpool's ferry rights, so that the town could have claimed a share in the large profits which subsequently arose from the cross-river traffic, both in passengers and goods. It is also true that the right to the ferry tolls acquired from lord Molyneux in 1777 by the burgesses was a right confined to the limits of the ancient lordship or borough of Liverpool, and that they could have had no claim to exact tolls from persons crossing the Mersey from points such as Toxteth Park, Bootle or Kirkdale, then outside those limits, but it should have been possible, by bylaws or even legislation, to prohibit all except the town officials or lessees of the ferry, from carrying passengers across the river from within the ancient limits of the borough to the other side, and to concentrate the necessary embarkation arrangements at one

point within such limits (as they now are) where the tolls could have been collected for the benefit of the town. But neither the town council nor the dock trustees took any steps to preserve these rights which, for want of exercise and due diligence against encroachment by others, were gradually allowed to lapse entirely.

There is reason to think that at the time of the purchase of 1777 the bulk of the carrying of passengers and freight across the river had passed into the hands of the Woodside ferry, and possibly also there was considerable difficulty in controlling and enforcing the use of the Liverpool ferry in view of the greatly increased number of boats there whose owners could hardly be prevented from plying across the river and taking up or landing passengers anywhere upon the Liverpool strand. We are told¹ that in 1753 there were five ferryboat houses in Cheshire, namely Ince, Carlett or Eastham, the Rock, Woodside and Seacombe "where passengers for the most part (weather and tide permitting) may meet with accommodation to bring their goods &c. to Liverpool. N.B.—There are numbers of bye-boats plying on the river that don't belong to the Ferries." Moreover it was stated in evidence in the "Monks Ferry" case some years later, and not denied, that after the corporation acquired the right to the ferry tolls in 1777 they threw the Liverpool ferry open to the public and allowed all passengers whatever to have free and unrestricted use of the quays and shores of the town. In confirmation of this, we find that in 1856 the town clerk stated to a select committee of the House of Commons that the corporation from the time they purchased

¹ Williamson's *Liverpool Memorandum Book* for 1753.

lord Molyneux' reversion had never exercised the right of ferry.¹

In 1789 an inquiry into the rights of the proprietors of the Mersey ferries was suggested in the Liverpool council, but otherwise no apparent effort was made to secure a share therein for the town. It would seem, from what happened at the Municipal Corporations Inquiry of 1833 into the state of the corporation of Liverpool, either that by that time the town's undoubted right of ferry had been abandoned or that it was wilfully ignored. The fact of the purchase of 1777 and that the Liverpool boatmen were being denied the right of landing at Woodside ferry, was then given in evidence as matter bearing upon the question whether the town's rights had been duly taken care of by the proper authorities, but the subject was not pursued and the Inquiry Commissioners were allowed to hear a statement from an interested Birkenhead witness that Mr. Price had the sole rights of ferry, without opposition by the town clerk or any of the common council.

Celia Fiennes, sister of the third Viscount Say and Sele, kept a diary of several of her tours on horseback through England between 1695—1705, and tells us that in one of them, after passing over the fords of Dee to Burton in Wirral, she then went nine miles to the ferry over the Mersey, "another great river and a perfect sea for twenty miles or more. It comes out of Lancashire from Warrington and both this and the Dee empty themselves into the sea almost together a few leagues from Liverpool, which pool is formed by a point of land that runs almost round the entrance from

¹ *Report from Select Committee on Local Charges upon Shipping*, 1856, p. 333.

the sea, being narrow and hazardous to strangers to sail in in the winter. The mouth of the river by reason of the sands and rocks is a gate to the river ; this I ferried over, and was an hour and a half in the passage ; it is of great breadth, and at low water is so deep and salt as the sea almost, tho' it does not cast so green a hue on the water as the sea, but else the waves toss and the rocks grate all round it, and is as dangerous as the sea. It is (in) a sort of hoy that I ferried over and my horses—the boat would have held a hundred people.”¹

In 1709 Nicholas Blundell of Crosby near Liverpool, with his wife, paid a visit to Whitchurch. They had intended to cross the Mersey ferry at Liverpool but “came too late for the boats” so went *via* the Runcorn ferry. On their return they came from Chester to the Rock House, “but the boat was gone so we got a smoke made but no boat coming to us we went to the Woodside where Mr. Darcy Chantrell came to us and got a boat for us, so we came home”²

The following account of crossing the ferry from Wirral to Liverpool about 1750 is given by “A Gentleman” who toured the country—“Here is a ferry over the Mersee which, at full sea, is more than two miles over. You land on the flat shore on the other side, and must be content to ride through the water for some length, not on horseback but on the shoulders of some Lancashire man who comes knee-deep to the boat’s side to truss one up, and then runs away more nimbly than one desires to ride unless his trot were easier.”³

¹ *Through England on a Side Saddle*, pub. 1888.

² *Blundell's Diary*, 79.

³ *A Tour through the whole Island of Great Britain*, London, 1753, 4 vols. (5th edn.)



BIRKENHEAD PRIORY
WESTERN RESPOND OF CHURCH ARCADING

Travellers by the Woodside ferry to and from Chester, Hoylake and Neston must usually have walked or ridden until the coaching system sprang up in the eighteenth century and until the roads through Wirral were made more passable for wheeled traffic. Mr. Arkle¹ can find no trace of regular coaches between Chester and Woodside ferry until 1762 when six-horsed coaches ran to Chester and Parkgate three days a week, the fares being 4s. and 2s. 6d. respectively, boats attending at Woodside to carry passengers over to Liverpool. The new mail coaches for Chester and Holyhead, which did not carry ordinary passengers, seem to have proceeded *via* the Tranmere ferry and Neston but in 1808 the Postmaster directed the coach to go by the more direct road to Chester through Thornton and Sutton, the mail bags being sent over to Woodside. The two ferries competed vigorously for the growing traffic. "Superior travelling, at reduced fares, from Liverpool to Chester, every afternoon, at four o'clock, by way of Woodside Royal Mail ferry (the safest and shortest passage across the Mersey), by the Royal Union Light Post Coach (carrying four insides only), performing the journey in two hours and a half, passage across the river included." Wm. Roberts, the proprietor of this coach and lessee of the ferry, added to this advertisement of 1818 that he had now no concern in the mail coach except to carry the bags across the river, the mail passengers going by Tranmere. He therefore requested passengers wishing to cross by Woodside to be particular to take their places by the Union coach which

¹ *Early Liverpool Coaching*, Trans. Hist. Soc. of Lancs. and Ches. lxxiii. 10. Mr. Arkle has some notes on the roads to the Woodside Ferry.

left Liverpool at the same time as the mail coach. The following year Roberts in repeating the advertisement of the Woodside Royal Mail ferry, says it had been erroneously stated that the New Royal Holyhead Mail goes direct from Tranmere ferry. In fact the Tranmere boat had frequently been obliged to land at Woodside, the passengers thus missing the mail coach, and being taken to Chester by the Umpire. One day the Tranmere boat with passengers and coachman left Liverpool twenty minutes before the Woodside boat and arrived at Woodside an hour after the mail coach had left, so the Royal Union coachman drove the mail to Chester and the passengers and coachman were taken by the Umpire.

We have no space here for more than a short reference to the introduction of steam navigation. Its effect everywhere was epoch-making and profound, and nowhere can it have had greater results than upon the Mersey. Our concern is with the ferries in which, dating from 1815, a complete change was rapidly effected. The steam vessels of those days, like the first railway trains, would now appear ludicrous in the extreme, but they were marvels of construction to our grandfathers and transformed an unpleasant, risky and lengthy voyage across the river into a journey performed with comparative comfort, rapidity and certainty. In a very short time regular lines of steam ferry boats took their places upon the river, plying for passengers, animals, and goods on numerous ferries, old and new. This easy access to the shores of Wirral played (and still plays) a large part in the history of the town of Birkenhead. Practically non-existent at the beginning of the nineteenth century, its growth was as remarkable

as its subsequent strangulation. The Woodside ferry may almost be said to have governed the fortunes of the place from ancient to modern days.

Passing over the years of development, there were in 1844 many steam ferries in operation on the Mersey, besides the ancient ones at Woodside, Seacombe, Ince and Eastham. Most of the boats started then from George's pier and some from the Seacombe slip at Prince's dock. There will be few who can remember the distinguishing signs carried at the masthead which then enabled the passenger to find his boat : " W " for Woodside, a " Fox " for Eastham, a " Star " for the Rock Ferry boat, a " Railway Carriage " for the Monks' ferry, a " Ball " for Birkenhead ; while the black and white funnel of the Egremont boat alone seems to have anticipated later days. We do not intend to trace out in detail the history of any of these ferries besides the Woodside ferry, but of its immediate neighbours, the " Birkenhead ferry " and the so-called " Monks' ferry," something must be said, though neither of these was ancient, the former being run by permission of the owner of the Woodside ferry, and the latter being an impudent rival whose life was promptly ended by the law.

In 1837 one Curell and others boldly started an entirely new ferry across the Mersey from a point in Birkenhead called the Ivy Rock, about 400 yards to the south of the Woodside ferry. They claimed that this was on the site of the priory ferry, called it the " Monks' ferry," built a pier and hotel and established steam boats which plied regularly to and from Liverpool during the day. At this time the lessees of the Woodside ferry were Pim and others, holding under a lease from

Francis Richard Price dated 1835, in which the Woodside ferry was described as a ferry both to and from Liverpool. Pim and his co-lessees at once took action against the founders of the new "Monks' ferry." The case was first tried at the Chester Summer Assizes in 1838 but the litigation lasted for several years.¹

The real facts about the Mersey ferries were not properly investigated or laid before the Court. The claim for the Woodside ferry as originally put forward was to a ferry *both ways*, apparently because it was so described in the lease, but subsequent investigation convinced Pim's advisers that this ferry was only from Birkenhead to Liverpool and the claim was amended accordingly. It would however have made no difference as the courts held that a ferry one way only would be covered by the words of the lease. The "Monks' ferry" case was that in 1330 there was a pre-existing Liverpool ferry both ways which rendered void the grant of that date to the priory. Pim relied upon this grant of ferry rights and he showed that Price was the lawful successor to the monks. He also put forward the proceedings which we have noticed were taken in 1626 between Thomas Powell and Sir Richard Molyneux as showing that, even assuming there had been a separate co-existing Liverpool ferry, it was one way only, and the separate rights of the Woodside ferry had been recognised in that litigation as legal. (Incidentally it appeared that a lease of the Woodside ferry to William Woods in 1752 had contained a covenant by the lessee to pay £2 a year to Thomas Molyneux the owner of the Liverpool ferry "for the liberty of taking off passengers from Liverpool

¹ Reported in 6 *Meeson and Welsby's Reports*, 234.

town side"). A number of witnesses stated that as far back as living memory went, there had been a quay at Woodside and a regular establishment of boats plying from it at stated intervals. It was said that the lessee of the ferry had always kept a public house there, carrying passengers, formerly at two pence, but since the introduction of steamboats, at three pence a head; that during all the time sailing boats were in use, the Liverpool town-boats had been in the habit of bringing passengers across to the Cheshire side; that they were never permitted to land them at the Woodside quay, or to take back passengers from that quay (except at one time on payment of a penny each, which was called the "landing penny"); that more or less resistance had also been made at different times to their taking back passengers from other parts of the Cheshire shore within the alleged limits of the Woodside ferry, except in the case of parties brought across from Liverpool for recreation, whom they were always allowed to wait for and take back. Further it was said that about twenty years before the trial, on the introduction of steamboats, another ferry (so-called) had been established, to Liverpool, with Mr. Price's permission, from a point about 800 yards to the southward of the Woodside ferry. This was called the "Birkenhead ferry"¹ and since that time steam boats had regularly run during the day on both these two lines of ferry. In the year 1826, the lessee of the Woodside ferry built a new and more commodious quay or slip about 100 yards to the westward of the old quay which had since been disused. The evidence was that before the existence of the town of Birkenhead, there were

¹ *Post* p. 176.

very few houses within the township, and the public high road leading from Chester to the waterside came down to the shore at the point called Ivy Rock, and thence ran along it as far as the old Woodside quay, beyond which to the westward there was no regular road but only the open shore of the river. Since the town of Birkenhead had sprung up within the last fifteen or twenty years before the trial this road had been destroyed and the high road from Chester then came directly to the shore at Woodside, and between it and the river were now several streets, and a considerable population.

The "Monks' ferry" promoters' case consisted largely of technical and legal objections into which we need not go, but the main point was that, there being (as was alleged) a Liverpool ferry both ways in 1330, it was not legal then to create another.¹ They also said the site of the Woodside quay had been changed and that ferry no longer communicated with the public highway of which it formerly had been a continuation, and also pleaded that by allowing the establishment of the "Birkenhead ferry," Price had lost his exclusive rights. Witnesses were called whose evidence in the main was much the same as those of the plaintiffs except that they spoke more strongly of the interruptions of the Woodside ferry by the Liverpool boatmen. They proved that at the time of the grant of the Woodside ferry to Worsley in 1545 the Liverpool ferry was in lease to a subject of the crown, and said that since 1777 the exclusive rights of Liverpool had never been exercised.

The judge left to the jury two questions, first, whether the lessees of Price's Woodside ferry

¹ *Ante* p. 137.

were possessed of an ancient ferry from *Birkenhead to Liverpool*, and, secondly, if they were, had the defendants infringed that ferry? The jury found a verdict on both questions for the Woodside ferry. The defendants appealed and a new trial was granted on the technical grounds that the evidence of the proceedings of 1626 ought not to have been admitted as it did not appear that the order made in those proceedings was a final one between the parties, and therefore it could not be used to show that the Woodside ferry's separate legal existence had then been admitted by the court. The case was retried at the Chester Summer Assizes in 1839, the respective pleas being practically the same except that the defendants sought to show that at the time of the grant to the priory in 1330 the Liverpool ferry was leased out to a subject and that therefore a grant of another ferry within the same limits was void.¹ The judge expressed the opinion that if in 1330 there was already a ferry both ways and in the hands of a subject, a crown grant of another ferry within the same limits would be void. But he left the whole matter in the hands of the jury who again found a verdict in favour of the Woodside ferry. A further attempt made to obtain a new trial failed. It is stated that the "Monks' ferry" appealed to the corporation of Liverpool as parties interested in preventing a monopoly by the Woodside ferry, but that body, apparently having decided to go out of the ferry business, seems to have made no attempt to prevent the Woodside ferry establishing an exclusive right (although the verdict only established a ferry right *one way*) and merely inquired whether the public had been fully admitted

¹ *Ante* p. 137.

to all the landing places on the Cheshire side to which they were entitled.¹ The "Monks' ferry" company had to admit defeat and their operations ceased in February 1840, the whole concern with three boats being sold to the Birkenhead and Chester railway company. No ancient ferry rights were ever attached to it, and its subsequent use by the railway company and others was merely by arrangement. The slip is now in use as a coaling station.

The establishment of a new ferry known as the "Birkenhead ferry" has been mentioned above and requires some explanation. In 1820 the only ferry within the limits of Birkenhead was the Woodside ferry, owned as we know by Mr. Price the successor in title of the priory. In the spring of that year, for reasons apparently connected with the development of his estates, Mr. Price arranged with Messrs Hetherington and Grindrod for the erection of a hotel at the southeast corner of the Birkenhead headland, to which should be attached a ferry. It has been stated that this ferry was established under licence from Mr. Price, but no formal licence appears to have been given and the transaction took a somewhat peculiar form. On the 2nd March 1820, Mr. Price sold the land on the river bank below the priory to Hetherington and Grindrod. The deed did not expressly grant to them any right of ferry but the land was transferred to the purchasers "free from any claim or rights of ferry" by Mr. Price, the result, no doubt contemplated by the parties, being that the purchasers were at liberty to build a ferry-

¹ The local Dock Acts recognised the rights of the ancient ferries on the river, e.g. the Act of 1811 sec. 98, Act of 1825 sec. 66, Act of 1830 etc.



BIRKENHEAD PRIORY: CRYPT OR SUBVAULT

slip and land and embark passengers there, without objection being raised by Price that his ferry rights were being damaged. The "Birkenhead Hotel" was erected, with grounds running down to the new ferry to Liverpool and bounded by a belt of oak trees which for many years formed a most striking object on the headland. The building of St. Mary's church was also part of this scheme of development. The purchasers named their ferry the "Birkenhead ferry" and it became the general coaching terminus for passengers proceeding to and from Chester and was a successful enterprise until after the Birkenhead and Chester railway had been running for some years.

Various persons had leased the Woodside ferry under Price up to 1822 when it came into the hands of one Hugh Williams who also held the Woodside hotel. In 1835, as the result of a public meeting held in Birkenhead to remedy the mismanagement of the ferries, "the Woodside, North Birkenhead and Liverpool Steam Ferry Company" was formed to take over Williams' lease with the consent of Price. The shares were rapidly taken up, the company erected a larger slip, and obtained a new lease from Price for 20 years. Williams' rent had been £1,000 a year and this was to be increased by £250 every five years. From this time onwards the history of these ferries is closely connected with that of the railways from Chester to Birkenhead and with the rapidly rising fortunes of Birkenhead itself.¹ After the formation of the Birkenhead and Chester railway company in 1837, with a terminus at Grange lane, that company

¹ For some of the nineteenth century history we have used, with additions and corrections, Sulley's *History of Birkenhead* which for this period is reliable. He gives many other general details. Mortimer's *Wirral* has also been referred to.

took over practically all the shares in the "Woodside etc. Steam Ferry Company" which had become an unremunerative undertaking, and the railway company also purchased at an extravagant figure the pier and boats of the "Monks' ferry" company, although that company, as we have seen, had been forced to stop working as a result of the litigation with Mr. Price. The clue to these transactions and others is found in the fact that most of the directors of the railway company were not only shareholders in both the Woodside and Monks' ferry companies, but also commissioners under the new Birkenhead Improvement Acts. £32,000 was spent by the railway on the Woodside ferry and its boats, in addition to the rent of £1500 a year payable under a lease running out in 1856, while £25,000 was paid for the almost useless property of the "Monks' ferry" company which had no ferry rights at all. The "Birkenhead ferry" was at this time a prosperous rival, and the railway company speedily found itself in such difficulties that negotiations were opened for the transfer of the Woodside ferry to the township. This was preceded by a threat to increase the fares from the ancient penny to twopence each way, and to abolish contracts, and was followed by the purchase by Mr. (afterward Sir) William Jackson, one of the railway directors, of Mr. Price's reversionary interest in the Woodside ferry. This he offered to the township, and the ratepayers, having investigated the accounts of the ferry, and found the receipts were increasing, and that with better management there was a good prospect of making it pay, eventually agreed to take over Mr. Jackson's contract. The arrangements were embodied in an Act of 1842 which authorised the

purchase of Mr. Price's interests in the ferry, fixed the tolls both ways (not to exceed 2d. from Birkenhead to Liverpool and *vice-versa*) and contained the important proviso that the latter, after payment of interest on loans and the cost of running the ferry, should be applied *in reduction of the rates of the township of Birkenhead*. So far as can be seen the authorities at Liverpool looked on apathetically at these proceedings while parliamentary recognition was given to the claim of Birkenhead to the Woodside ferry tolls whichever way the passengers were travelling. Liverpool had, it is true, as we shall see, then purchased the "Birkenhead ferry," but in doing so grasped the shadow for the substance. At the same time the railway company sold to the commissioners of Birkenhead the share capital of the "Woodside ferry company" (which held the lease of the ferry) under an arrangement whereby (*inter alia*) the commissioners agreed to work the "Monks' ferry" for the railway company for five years.

The interests of the owners of the Woodside ferry and of the organisers of the railway were brought to bear upon the Liverpool dock trustees who were said to have prevented the use of the ancient ferry landing places in Liverpool by the erection of river and sea walls without providing any adequate substitute. The result was that the trustees, when they went to parliament, were saddled with the obligation and expense of constructing a ferry slip at George's pier, and ultimately, in 1845, with the erection and maintenance at great cost of a new landing stage for the benefit of passengers, carriages and horses coming over to Liverpool from Birkenhead and paying tolls entirely on that side of the river. This, the George's stage, in an

enlarged form and joined to the Princes stage, the Dock Board still maintain.

The Woodside ferry prospered again and the receipts rose for some years after 1842, with corresponding benefits to the Birkenhead ratepayers, largely due, it is said, to the running of the boats up to midnight instead of to 10 p.m., though this, and also an all-night service, was locally opposed. But the financial *debâcle* arising out of the failure of the Birkenhead dock schemes (into which we cannot enter here), had a very adverse effect upon the township which now commenced to go the wrong way as fast as it had prospered before.

There was also another factor in the matter which must now be mentioned. Although, as we have seen, Liverpool had to all intents and purposes long given up any claim to share in the fortunes of the ferry to and from Woodside, the corporation in 1841, for reasons which are now obscure, had again entered the field. The "Birkenhead ferry" was at this date being run by Messrs. Hetherington and Grindrod at a profit, the terminus of the new Chester and Birkenhead railway was fixed at Grange lane, a long way from Woodside but not far away from the "Birkenhead ferry," and the so-called "Monks' ferry" having been forced to give up operations, the railway company, even after the tunnel to that ferry was made, could not themselves provide a legal ferry terminus. The Liverpool corporation bought the "Birkenhead ferry" with the hotel and nine acres of land in July-August 1841 for £73,800 and subsequently acquired the foreshore, probably thinking the purchase was a good business proposition ; but the town councillors of those days seem to have been just as shortsighted

in this transaction as they were a year or two later in selling back to Birkenhead the land upon which the latter built its docks. Liverpool in both transactions "backed the wrong horse." The dock history does not concern us. But the town would have done far better if it had retained and developed its ancient ferry rights instead of acquiring a new and speculative one. The corporation and their lessees Messrs. Willoughby proceeded to carry on a service of boats at the "Birkenhead ferry," with success for a time, but eventually heavy losses were made, estimated in 1848 at five or six thousand a year, although, unlike the Woodside ferry, the fare charged was only a penny. This competition made it necessary to reduce the Woodside fares accordingly and with a corresponding loss to Birkenhead. All the ferry receipts fell steadily and the commissioners of Birkenhead defaulted.

In 1850 the position, so far as the latter were concerned, may be summarised as follows :— The commissioners had agreed to purchase Mr. Price's reversionary interest in the Woodside ferry for £44,000 and were in possession. No part of the purchase money had been paid and default had been made in the interest. They had also bought 994 shares (out of 1000) in the company which held the lease of the ferry, for £22 10s. od. per share, and paid a debit of £5892 due by that company to the railway company, making a total of £28,257 paid to acquire the lease. The absolute interest in the whole ferry would therefore have been acquired for £72,257 if the money had been available. The commissioners had also bought from Mr. Price, for £53,976, various lands for Birkenhead park and the cemetery, for which he accepted bonds, but the interest on them had not

been paid. The total due to him for principal and interest on 30th June 1850 was £103,373, and his trustees intimated their intention to take possession of the ferry at the end of the lease.

A new arrangement had to be made. The lease was surrendered, the agreement to sell for £44,000 was rescinded, and the steam boats were returned to Mr. Price who granted a new lease of the ferry and the boats for 21 years at a rent of £4574 a year. At the end of, or during, the lease the commissioners were to buy Mr. Price out for £103,373 (£44,000 in cash and the rest by bonds or mortgages) whereupon the Woodside ferry and the park and cemetery lands were to become the absolute property of the commissioners.

In 1857 the railway company, in return for the withdrawal of Birkenhead's opposition to its transfer to the present joint railway companies, agreed to take back from the township the "Monks' ferry" which had been worked by arrangement at a great loss for several years and was abandoned entirely when the present railway station at Woodside was opened. The Woodside ferry again became an improving property and in 1858, arrangements were made for capitalising the heavy arrears of interest owing on the bonded debt of the township. As the result of this and stringent economies, the financial status of Birkenhead was greatly improved, so that it became possible to provide the purchase money and bonds to pay for the Woodside ferry which at last became, as it still remains, the property of Birkenhead.

The formation of the Mersey Docks and Harbour Board in 1857, and the transfer to it by the corporation of Liverpool of the dock estates both at Liverpool and Birkenhead, had no ill effect upon

the Woodside ferry as the successive acts of parliament were made without prejudice to the rights of "the ancient Woodside ferry *between* Birkenhead and Liverpool;" thus in effect giving further statutory recognition both by the corporation of Liverpool and the dock board to ferry rights of Birkenhead *both ways*, though such had never been legally established. In 1860, in return for the erection of a floating bridge at Woodside (opened some years later), the Dock Board obtained the right to charge tolls at the Woodside and Liverpool landing stages for carriages, carts, goods and cattle, but *not for passengers* travelling by the ferry or their luggage. Power was given to compound with the commissioners of Birkenhead in respect of such tolls, and an agreement was entered into under which they were collected by Birkenhead, the Dock Board receiving 25 % of the gross revenue therefrom. Similar arrangements were subsequently entered into with Wallasey and other ferries. This percentage¹ is substantially all the direct benefit now derived by Liverpool from the Woodside ferry, Birkenhead receiving the tolls of all the passenger traffic, although, as we have seen, Liverpool had at one time an undoubted and ancient right to at least the tolls paid by passengers travelling one way across the river.

The final act by which the corporation of Liverpool's official connection with any of the Mersey ferries came to an end was in 1870. For some reason portions of the land owned in Birkenhead by the corporation were not included in the transfer in 1857 of the dock estates to the new

¹ For the year ending 1 July 1922 the Dock Board received from *all* the ferries £11,494 for the percentage on the goods traffic to and from the Liverpool Landing Stages whereas the Woodside passenger tolls alone for the same period probably exceeded £100,000.

Mersey Docks and Harbour Board, and amongst those excluded were the "Birkenhead ferry," slip and quay, with the gardens and bowling green attached to the Birkenhead Hotel. The ferry traffic there had gradually decreased, though in 1851 the ferry had been relet and an effort made later by the lessees to carry it on by joining it to the adjacent Tranmere ferry with a wooden bridge across the pool, and working a single service of passenger boats to the two ferries. On 9th August 1870 the "Birkenhead ferry" was offered by the Liverpool corporation for sale by auction, on lease for 999 years. The purchaser was asked to maintain (subject to fog and storm) a service of boats at intervals of not more than half an hour between six a.m. and ten p.m. from the Liverpool landing stage and back. The auctioneer claimed that it was the oldest of the ferries, being, he said, upon the site of the priory ferry, but at the best it can only be considered as an off-shoot of the ancient Woodside ferry. No offer was received and the ferry was abandoned. The site was tenanted for a time by the Mersey Yacht Club and is now leased for shipyards by the corporation of Liverpool to Cammell Laird & Co. Limited.

Having thus reached the conclusion of our investigations it is possible to summarise shortly some of the causes and reasons why Liverpool has now no ferry of its own. The ferry had undoubtedly been a source of trouble and a nuisance to the town's people during the hundreds of years in which it had been in the hands of outsiders, whose only object had been to make as much profit out of it as possible. Disputes of all kinds had taken place between the "lords" of the town and their lessees and the ferry had been badly handled and

inefficiently run, so that eventually most of the traffic had been allowed to pass into the hands of the rival and better-worked ferry on the Birkenhead side. When at last the town bought up the ferry rights of lord Molyneux, the Liverpool ferry was a minor feature which the freemen (mistakenly) did not consider worth bothering about or one likely to be a lucrative asset in the hands of the small body who had acquired it. The non-freemen and the general public had no interest in it except to be ferried across the river at a reasonable charge, and they did not care whether the tolls they paid went to Birkenhead or to Liverpool. The organisation of a central embarkation point in Liverpool where tolls could have been collected was neglected and the Liverpool boatmen were allowed to push off with passengers from any point on the shore and put the fares in their own pockets. At the time of the purchase in 1777 the merchant traders of Liverpool were becoming wealthy and could afford to neglect the ferry ; the future town of Birkenhead was not then in sight, nor was it anticipated that the Hundred of Wirral would become a place of residence and recreation for so many of the workers in Liverpool. Later on there came the litigation over the so-called Monks' ferry, in which the owners of the Woodside ferry were allowed, without objection by Liverpool, to set up (although they could not prove) a ferry right both ways, and this was followed by Birkenhead being allowed without challenge to obtain the legal right, by virtue of successive acts of parliament, of taking all the tolls.

When we have mentioned that on the proposals for the Mersey railway the right of the owners of the Woodside ferry to compensation for the

damage which would be done to them by the tunnel under the river was recognised in 1866, and that in 1882 the amount to be paid to Birkenhead was agreed at £50,000, we have brought our account of the ferry into our own times, and shall leave it there. Modern developments of traffic and travel have rendered both ferry and tunnel totally inadequate, but a method by which the many millions of passengers and hundreds of thousands of vehicles which annually pass over can be more expeditiously transferred from one side of the Mersey to the other is a problem as yet unsolved.

By way of conclusion and to contrast the surroundings of the Woodside ferry to-day with what they were a hundred years or so ago, we may quote some descriptions given by those who knew it then:—

“How well I recollect the Woodside ferry when I was a boy! There was a long causeway which went into the river formed of logs of wood and large boulder stones. Up this causeway you walked until you came to the overhanging shore which, on the lefthand, was cut away to admit the causeway continuing up into the land. Here was a small thicket of trees on the top of the rock and a patch of garden which belonged to the ferryman, and the only habitation visible was a farmhouse”¹

“I well remember the Woodside ferry being in a lovely spot surpassing all others in its pastoral and well-wooded eminences, its rocky projections and inlets, its wavy shores and magnificent prospects.....The lovely walks by rivulet, bright green dells and daisy-covered meadows to Oxton, and the pleasant rambles by a few cottages and

¹ *Recollections of Old Liverpool*, by a Nonagenarian (James Stonehouse) 1863.

farms up to Bidston Hill have.....all passed away.”¹

“On the right of the priory stands a genteel house, delightfully situated on a rising fertile spot of ground, and the whole forms a very pleasing object in perspective from the river and opposite shore. The house, surrounded by a thriving plantation, the ruins of the priory decorated with the faithful ivy, and the peculiarly fertile appearance of the grounds studded with lofty trees.....mark out a spot on the line of the shore on which the eye rests with the more pleasure as the rest of the scenery is monotonous and common.”²

“Not many years have elapsed since the site of the Birkenhead ferry hotel formed part of one of the most picturesque scenes on the banks of the Mersey. A lawn extending from the river-side to the front of an antique mansion, situated on the most elevated part of the grounds, was studded with majestic trees, of some centuries standing, and carpeted with a turf whose verdure might vie with that of the “Emerald Isle.” Across this lawn a winding footpath conducted the traveller to the ruins of the ancient priory of Birkenheadand the whole demesne was secured from the encroachment of the tide by a natural barrier of rock, overhung by copse wood. Altogether it formed a scene of rural beauty not often surpassed, and peculiarly pleasing to the eye of the returning mariner to whom green fields and luxuriant foliage present a delightful contrast to the unvarying monotony of the ocean.”³

¹ William G. Herdman (born 1805), *Pictorial Relics of Ancient Liverpool*, (1878) ii. 65.

² *The Stranger in Liverpool*, 2nd ed. (1810) 191.

³ *Lancashire Illustrated* (1829-31) 23.

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